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Supreme Court, U.S.
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No. 98-564

In the Supreme Court of the United States

OCTOBER TERM, 1998

WILLIAM JEFFERSON CLINTON, ET AL., APPELLANTS

v.

MATTHEW GLAVIN, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

JOINT APPENDIX

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EDITOR'S NOTE

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Docket No. 98-Cv-207

GLAVIN, ET AL.

v.

BARR

DOCKET ENTRIES

DATE		PROCEEDINGS
1998		
2/12	1	COMPLAINT Filing Fee $150.00 Receipt # 100 119267 (lleb) [Entry date 02/13/98] [Edit date 03/02/98]
		* * * * *
2/12	2	MOTION by plaintiffs for Convening a Three-Judge Court (ltun) [Entry date 02/17/98]
		* * * * *
3/27	11	MOTION to Intervene pursuant to Rule 24(a)(b) by Richard A. Gephardt, Danny K. Davis, Juanita Millender-McDonald, Lucille Roybal-Allard, Louise M. Slaughter, and Bennie G. Thompson (will notice) (klau) [Entry date 03/31/98]
		* * * * *

4/1	19	MOTION to Intervene as defts by Legislature of the, The Californi a Senate, John Burton, The California Assembly, Antonio Villaraigosa (bsha) [Entry date 04/07/98]

* * * * *

4/3	15	MOTION by movants to Intervene by City of Los Angeles, City of New York, Ne, County of Los Angeles, City of Chicago, Ill, City and County of S, Miami-Dade County, F, City of Inglewood, C, City of Houston, Tex, City of San Antonio, City and County of D, City of Long Beach, City of San Jose, Ca, City of Stamford, Co, City of Oakland, Cal, City of Cudahy, Cali, County of Santa Clar, County of San Bernar, County of Alameda, C, County of Riverside, State of New Mexico, U.S. Conference of M, League of Women Vote, Carolyn Maloney, Christopher Shays, Tom Sawyer, Rod Blagojevich, Bobby Rush, Luis Gutierrez, Jose Serrano, Cynthia McKinney, Charles Rangel, Donald Payne, Howard Berman, Xavier Beccera, Loretta Sanchez, Julian Dixon, Henry Waxman, Maxine Waters, Esteban Torres, Sheila Jackson Lee, John Conyers Jr. (will notice) (sent to CHM) (klau) [Edit date 04/03/98]

* * * * *

4/6	26	MOTION by United States Dep, James F. Holmes, Bureau of the Census,

William M. Daley, William J. Clinton to Dismiss (will notice) (klau) [Entry date 04/07/98]

* * * * *

4/6	29	MOTION by plaintiffs for Summary Judgment (will notice)(klau) [Entry date 04/07/98]

* * * * *

4/13	39	MOTION to Intervene by National-Korean American Service & Education Consortium Inc., Et al as defts (bsha) [Entry date 04/14/98]

* * * * *

5/1	57	MOTION by plaintiffs for Leave to Amend Complaint (klau) [Entry date 05/04/98]

* * * * *

5/4	67	MEMORANDUM by Matthew Glavin, Gary A. Hofmeister, Stephen Gons, James F. Mclaughlin, David H. Glavin, Deborah Hardman, Craig Martin, Jim Lacy, Judy Cresenta, Helen V. England, Amie S. Carter, Robert Richard Dennik, Michael T. James, William J. Byrn, Robert Barr, Cobb County Georgia, John Taylor in opposition to [26-1] motion by United States Dep, James F. Holmes, Bureau of the Census, William M. Daley, William J. Clinton to Dismiss (klau) [Entry date 05/05/98]

5/4	68	AFFIDAVIT of Dr. Ronald E. Weber by plaintiffs Re: [67-1] opposition memorandum by plaintiffs (Klau) [Entry date 05/05/98]

* * * * *

5/7	85	MOTION by plaintiffs and Bucks County, Pennsylvania for Leave to (Second) Amended Complaint (klau) [Entry date 05/08/98]

* * * * *

5/14	91	MOTION by United States Dep, James F. Holmes, Bureau of the Census, William M. Daley, William J. Clinton to Dismiss Plaintiffs' Second Amended Complaint (klau) [Entry date 05/15/98]

* * * * *

6/10	110	ORDERED that the defendants' motion to dismiss, the plaintiffs' motion for summary judgment, motions to intervene, and motions for leave to file Amicus Curiae briefs in this matter shall be heard at 10 o'clock in the morning on August 7, 1998 in the United States District Courthouse, Poff Federal Building, 210 Franklin Road, South West, Roanoke, Virginia - ent. & filed (signed by Judge Claude M. Hilton) Copies Mailed: yes (klau) [Entry date 06/11/98]

* * * * *

9/24	126	MEMORANDUM OPINION (signed by Judge Claude M. Hilton) Copies Mailed: y (rwar) [Entry date 09/25/98]
9/24	127	ORDER in accordance with the accompanying Memorandum Opinion denying [91-1] motion by United States Dep, James F. Holmes, Bureau of the Census, William M. Daley, William J. Clinton to Dismiss Plaintiffs' Second Amended Complaint. Pltfs' motion for summary judgment is granted. ORDERED that the defts. are permanently enjoined from using any from of statistical sampling, including their program for non-responsive follow-up and Integrated Coverage Measurement to determine the population for purposes of congressional apportionment. (signed by Judge Claude M. Hilton) Copies Mailed: y (rwar) [Entry date 09/25/98]
9/24	—	CASE assigned to Judge Claude M. Hilton (rwar) [Entry date 09/25/98]
9/24	—	Case closed (rwar) [Entry date 09/25/98]
9/25	128	NOTICE OF APPEAL OF Order and Judgment and Memorandum Opinion by William J. Clinton, William M. Daley, Bureau of the Census, James F. Holmes, United States Dep. Copy of Notice, Order, Mem. Opn. and Docket Entries mailed to U.S. Supreme Court,

Washington, D.C. (psho) [Entry date 09/28/98]

9/25 129 ORDERED that corrections be made in the Memorandum Opinion dated 9/24/98, in the above styled case as follows: Page 22, footnote #2, eleventh line from the bottom of the page, include the word "not" after "may" and should read . . . that an actual Enumeration may not include statistical sampling. (signed by Judge Claude M. Hilton) Copies Mailed: y (rwar) [Entry date 09/29/98]

* * * * *

9/28 130 TRANSCRIPT for dates of 8/7/98 (CMH, RAJ, HEW)-filed (klau) [Entry date 09/29/98]

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Civil Action File No. 98-207-A

MATTHEW GLAVIN,
A RESIDENT OF THE STATE OF GEORGIA;
ROBERT BARR,
INDIVIDUALLY AND IN HIS CAPACITY AS A MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES;
GARY A. HOFMEISTER,
A RESIDENT OF THE STATE OF INDIANA;
STEPHEN GONS,
A RESIDENT OF THE STATE OF PENNSYLVANIA;
JAMES F. MCLAUGHLIN,
A RESIDENT OF THE STATE OF NEW JERSEY;
DAVID H. GLAVIN, A RESIDENT OF THE STATE OF OHIO;
JOHN TAYLOR,
A RESIDENT OF THE COMMONWEALTH OF VIRGINIA;
DEBORAH HARDMAN,
A RESIDENT OF THE STATE OF FLORIDA;
CRAIG MARTIN,
A RESIDENT OF THE STATE OF CONNECTICUT;
JIM LACY, A RESIDENT OF THE STATE OF CALIFORNIA;
JUDY CRESANTA,
A RESIDENT OF THE STATE OF NEVADA;
HELEN V. ENGLAND,
A RESIDENT OF THE STATE OF ARIZONA;
AMIE S. CARTER,
A RESIDENT OF THE STATE OF MONTANA;
ROBERT RICHARD DENNIK,
A RESIDENT OF THE STATE OF WISCONSIN;
MICHAEL T. JAMES,
A RESIDENT OF THE STATE OF ILLINOIS;

WILLIAM J. BYRN, A RESIDENT OF THE STATE OF GEORGIA, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS COBB COUNTY COMMISSION CHAIRMAN AND COBB COUNTY, GEORGIA, PLAINTIFFS

v.

WILLIAM J. CLINTON, IN HIS CAPACITY AS PRESIDENT OF THE UNITED STATES; THE UNITED STATES DEPARTMENT OF COMMERCE; WILLIAM M. DALEY, IN HIS CAPACITY AS SECRETARY OF THE UNITED STATES DEPARTMENT OF COMMERCE; BUREAU OF THE CENSUS, AN AGENCY WITHIN THE UNITED STATES DEPARTMENT OF COMMERCE; AND JAMES F. HOLMES, IN HIS CAPACITY AS ACTING DIRECTOR OF THE BUREAU OF THE CENSUS, DEFENDANTS

[Filed Feb. 12, 1998]

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

COME NOW Plaintiffs Matthew Glavin, a resident of the State of Georgia; Robert Barr, individually, and in his capacity as a member of the United States House of Representatives; Gary A. Hofmeister, a resident of the State of Indiana; Stephen Gons, a resident of the Commonwealth of Pennsylvania; James F. McLaughlin, a resident of the State of New Jersey; David H. Glavin, a resident of the State of Ohio; John Taylor, a resident of the Commonwealth of Virginia; Deborah Hardman, a resident of the State of Florida; Craig Martin, a resident of the State of Connecticut; Jim Lacy, a resident of the State of California; Judy Cresanta, a resident of the

State of Nevada; Helen V. England, a resident of the State of Arizona; Amie S. Carter, a resident of the State of Montana; Robert Richard Dennik, a resident of the State of Wisconsin; Michael T. James, a resident of the State of Illinois; William J. Byrn, a resident of the State of Georgia, individually and in his official capacity as Cobb County Commission Chairman (hereinafter collectively referred to as " individual Plaintiffs" or "Plaintiffs"); Cobb County, Georgia; Bucks County, Pennsylvania; Delaware County, Pennsylvania; and DuPage County, Illinois (the "County Plaintiffs") and hereby make and file this their Complaint for Declaratory Judgment and Injunctive Relief against Defendants William J. Clinton, in his capacity as President of the United States; the United States Department of Commerce; William M. Daley, in his capacity as Secretary of the United States Department of Commerce; the Bureau of the Census, an agency within the United States Department of Commerce; and James F. Holmes, in his capacity as Acting Director of the Bureau of the Census (hereinafter collectively referred to as the "Defendants") as follows:

PARTIES

1. Plaintiff Matthew Glavin is a voter of the State of Georgia and Forsyth County, residing in the 9th Congressional District, the 48th State Senate District, and the 85th State House District. Mr. Glavin is a registered voter and will vote in the 2002 elections.

2. Plaintiff Robert Barr is a sitting member of the House of Representatives of the United States, representing the Seventh District of the State of Georgia, who intends to seek reelection for such office and to vote in such election. Representative Barr resides in

Cobb County and votes in the 32nd State Senate District and 29th State House District.

3. Plaintiff Gary A. Hofmeister is a voter of the State of Indiana and Marion County, residing in the 10th Congressional District, the 30th State Senate District and the 87th State House District. Mr. Hofmeister is a registered voter and will vote in the 2002 elections.

4. Plaintiff Stephen Gons is a voter of the State of Pennsylvania and Cumberland County, residing in the 19th Congressional District, the 31st State Senate District and the 88th State House District. Mr. Gons is a registered voter and will vote in the 2002 elections.

5. Plaintiff James F. McLaughlin is a voter of the State of New Jersey and Bergen County, residing in the 5th Congressional District, the 39th State Senate District, and the 39th State House District. Mr. McLaughlin is a registered voter and will vote in the 2002 elections.

6. Plaintiff David H. Glavin is a voter of the State of Ohio and Cuyahoga County, residing in the 19th Congressional District, the 22nd State Senate District and the 15th State House District. Mr. Glavin is a registered voter and will vote in the 2002 elections.

7. John Taylor is a voter in the Commonwealth of Virginia and Loudoun County, residing in the 10th Congressional District, the 33rd State Senate District and the 32nd State House District. Mr. Taylor is a registered voter and will vote in the 2002 elections.

8. Deborah Hardman is a voter in the State of Florida and St. Johns County, residing in the 4th Congressional District, the 8th State Senate District and the 18th State House District. Ms. Hardman is a registered voter and will vote in the 2002 elections.

9. Craig Martin is a voter in the State of Connecticut and New Haven County, residing in the 5th Congressional District, the 16th State Senate District, and the 73rd State House District. Mr. Martin is a registered voter and will vote in the 2002 elections.

10. Jim Lacy is a voter in the State of California and Orange County, residing in the 47th Congressional District, the 38th State Senate District and the 73rd State House District. Mr. Lacy is a registered voter and will vote in the 2002 elections.

11. Judy Cresanta is a voter in the State of Nevada and Washoe County, residing in the 2nd Congressional District, the 3rd State Senate District and the 25th State House District. Ms. Cresanta is a registered voter and will vote in the 2002 elections.

12. William J. Byrn is a voter in the State of Georgia and Cobb County, residing in the 7th Congressional District, the 37th State Senate District and the 34th State House District. Mr. Byrn is also the Cobb County Commission Chairman. Mr. Byrn is a registered voter and will vote in the 2002 elections.

13. Helen V. England is a voter in the State of Arizona and Maricopa County, residing in the 3rd Congressional District, the 17th State Senate District and the 17th State House District. Ms. England is a registered voter and will vote in the 2002 elections.

14. Amie S. Carter is a voter in the State of Montana and Gallatin County, residing in an at-large Congressional District, the 14th State Senate District and the 27th State House District. Ms. Carter is a registered voter and will vote in the 2002 elections.

15. Michael T. James is a voter in the State of Illinois and LaSalle County, residing in the 11th Con-

gressional District, the 38th State Senate District and the 76th State House District. Mr. James is a registered voter and will vote in the 2002 elections.

16. Robert Richard Dennik is a voter in the State of Wisconsin and Milwaukee County, residing in the 5th Congressional District, the 5th State Senate District and the 14th State House District. Mr. Dennik is a registered voter and will vote in the 2002 elections.

17. Cobb County is located in the State of Georgia and receives federal funds that are allocated on the basis of the results of the census.

18. Defendant William J. Clinton is President of the United States and is being sued in his capacity as such. Defendant Clinton may be served with a copy of the Summons and Complaint in accord with Fed. R. Civ. P. 4(i)(2).

19. Defendant United States Department of Commerce is a department within the executive branch of the government of the United States of America and an "agency" within the meaning of the Administrative Procedures Act ("APA"), 5 U.S.C. §§ 701, *et seq.* Defendant Commerce Department may be served with a copy of the Summons and Complaint in accord with Fed. R. Civ. P. 4(i)(2).

20. Defendant William M. Daley is the Secretary of Commerce, and he is being sued in his capacity as such. Defendant Daley may be served with a copy of the Summons and Complaint in accord with Fed. R. Civ. P. 4(i)(2).

21. Defendant Bureau of the Census is an agency within the Commerce Department, and is an "agency" within the meaning of the Administrative Procedure Act, 5 U.S.C. §§ 701, *et seq.* (the "APA"). Defendant

Census Bureau may be served with a copy of the Summons and Complaint in accord with Fed. R. Civ. P. 4(i)(2).

22. Defendant James F. Holmes is the Acting Director of the Census Bureau and is being sued in his capacity as such. Defendant Holmes may be served with a copy of the Summons and Complaint in accord with Fed. R. Civ. P. 4(i)(2).

JURISDICTION AND VENUE

23. This civil action is a case of actual controversy between Plaintiffs and Defendants which arises under the Constitution of the United States and a federal statute and may be finally adjudicated as between the parties. The rights here sought to be redressed are rights guaranteed by Article I, § 2, cl.3; the First and Fourteenth Amendments to the United States Constitution; 2 U.S.C. § 2a; the Census Act of 1976, 13 U.S.C. § 1 *et seq.*

24. Congress has specifically granted this Court jurisdiction over this case pursuant to the Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Act, 1998, P.L. 105-119 (November 26, 1997) (the "1998 Appropriations Act").

25. Jurisdiction is also conferred upon this Court by 28 U.S.C. §§ 1331 and 1343(a)(4). A declaration of rights is sought pursuant to 28 U.S.C. §§ 2201, 2202 and the 1998 Appropriations Act, P.L. 105-119, § 209(b).

26. Plaintiffs are entitled to have this case heard and decided by a three judge panel pursuant to the 1998 Appropriations Act, P.L. 105-119, § 209(e)(1) and 28 U.S.C. § 2284 because this case challenges the constitutionality of the method by which the Commerce Department and its agency, the Census Bureau, will determine

the population of the United States for purposes of apportioning representation among the several States. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e)(3) as plaintiff John Taylor resides in this judicial district and "no real property is involved in the action."

STATEMENT OF FACTS

THE LEGAL FRAMEWORK OF THE CENSUS

27. The United States Constitution requires that congressional "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State. . . ." U.S. Const., Amend. XIV, § 2; Art. I, § 2, cl. 3.

28. The Department of Commerce and its agency, the Bureau of the Census (collectively referred to as the "Department"), have been charged by Congress with the duty to conduct a decennial census in such manner as Congress "shall by Law direct" and in accord with the language and purpose of the Constitution. U.S. Const. Art. I, § 2, cl. 3; Census Act of 1976, 13 U.S.C. § 21.

29. Following each decennial census, the President of the United States is required to transmit to Congress "a statement showing the whole number of persons in each State" and "the number of Representatives to which each State would be entitled" under a lawful apportionment on the first day, or within one week, of the first regular session of Congress. 2 U.S.C. § 2a(a).

30. The Clerk of the House of Representatives is required to transmit to the executive of each State "a certificate of the number of Representatives to which

[each] State is entitled," within fifteen days of receipt of the apportionment statement from the President, based on the apportionment of the population derived from the decennial census. 2 U.S.C. § 2b.

31. After receiving the apportionment certification from the Clerk of the House, the States are required to establish congressional districts equal to the number of Representatives to which each State is entitled and "Representatives shall be elected only from districts so established." 2 U.S.C. § 2c.

32. The decennial census is the foundation of representative government under the Constitution because it provides the basis for apportionment of the number of congressional Representatives to which each State is entitled and the number of Electors from each State who, representing the people, elect the President of the United States. U.S. Const., Art. I, § 2, cl. 2; Art. II; 2 U.S.C. §§ 2c, 3.

33. The census also plays an important role in intrastrate redistricting because "State and local governments use census data to draw legislative districts of equal population to comply the with constitutional 'one man, one vote' mandate." REPORT TO CONGRESS – THE PLAN FOR CENSUS 2000, July 1997, as revised and reissued in August 1997, (the "Riche Report") at 1. In fact, many state constitutions and statutes require the state to utilize the federal census in conducting their redistricting. Arizona, California, Connecticut, Florida, Georgia, Indiana, Montana, Nevada, New Jersey, Ohio, Pennsylvania, Virginia, and Wisconsin have such a requirement.

34. The census also has important ramifications for state and local governments and their residents be-

cause census data are used "to determine allocation formulas for the distribution of billions of dollars of federal and state funds each year." Riche Report at ix.

35. The Constitution prohibits the intentional omission of any person from the decennial census by mandating that Congress, through the Department, conduct an "actual Enumeration" and engage in "counting the whole number of persons in each State" to implement the constitutional scheme of representative government, as envisioned by the Framers. U.S. Const., Art. I, § 2, cl. 3; XIV Amend. For similar reasons, it prohibits the decennial census' population figures to be based on a statistical estimate or anything other than an actual counting of real persons.

36. Pursuant to the Census Act of 1976 (the "Census Act"), Congress has also expressly prohibited the Department from using the statistical method known as "sampling" in conducting the decennial census for determining the population for purposes of apportionment of Representatives among the several States. Census Act of 1976, 13 U.S.C. § 195.

37. On June 5, 1997, Congress enacted the Supplemental Appropriations and Rescissions Act (the "Supplemental Appropriations Act") H.R. Cong. Report No. 119, 105th Congress, 1st Session, June 4, 1997, which, in relevant part, prohibited the Department from utilizing any funds "to plan or otherwise prepare for the use of sampling or any other statistical procedure, including statistical adjustment in any determination of population for purposes of the apportionment of Representatives in Congress among the several States."

38. On June 9, 1997, Defendant Clinton vetoed the Supplemental Appropriations Act based on his opinion

that "the Constitution and relevant statutes permit the use of sampling in the decennial census." Message of Cancellation, 1997 WL 307949.

39. In November of 1997, Congress appropriated funding for the Commerce Department, including funds for conducting the 2000 Census, finding that "the sole constitutional purpose of the decennial enumeration of the population is the apportionment of Representatives in Congress among the several States." 1998 Appropriations Act, P.L. 105-119, § 209(a)(2).

The Department's Plan For Statistical Sampling and Adjustment

40. Every census since the founding of the Republic has attempted to count each person. Each such census has actually enumerated the number of people. In other words, the number of persons has always been determined by means of an actual head count.

41. Given the inherent difficulties of actually enumerating the population, each census has unintentionally failed to count some people.

42. For the first time in the Nation's history, the federal government has decided that it will intentionally fail to count at least 10 percent of the population. Thus, at least 26 million Americans will be deliberately omitted from the census if the Plan for Census 2000 is implemented. In addition, population figures produced pursuant to the Plan will not represent the sum of the omitted 10% and the 90% sought to be counted, but will be further adjusted upward based on estimates derived from statistical sampling and inference.

43. Congress enacted the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural

Disasters ("1997 Disaster Relief Bill") which, in relevant part, required the Department to provide Congress with a written report containing a statement of the methodologies to be used in the conduct of the 2000 Census.

44. As required by the 1997 Disaster Relief Bill, the Department issued the Riche Report which commits the Department to using statistical sampling in lieu of an actual enumeration for calculating the population in the 2000 Census.

45. In July of 1997, the Department published its *Census 2000 Operational Plan* (the "Plan"), further confirming its intent to substitute statistical sampling for actual enumeration in the 2000 Census. The Plan further confirms that the Department will deliberately omit approximately 26 million people (ten percent of the population) from its actual count.

46. The Department has specified that it will use the following methodology in conducting the 2000 Census: First, the Department will send questionnaires to households identified on its Master Address List. Second, the Department will conduct a non-response follow-up for some of those households which did not respond to the questionnaires. "The nonresponse follow-up operation in Census 2000 will incorporate the use of sampling to yield a 90 percent completion rate at the census tract level." Riche Report at 18. Once the Department has attempted to count 90 percent of the population, no further effort will be made to count the missing persons. The Department will use statistical sampling to add computer-generated population numbers to compensate for the intentional undercount of 10% of all housing units. This estimate of virtual persons will be modeled after the composition of those persons who were counted only as a result of the follow-up efforts. Thus, these fictional persons will not reflect the overall demographic composition of all the persons that were actually counted in that area.

47. After using sampling to achieve a statistical estimation of 100% of the population, the Department will further manipulate the population estimate by an additional statistical methodology known as integrated coverage management ("ICM"). ICM relies upon dual system estimation ("DSE") pursuant to which the Department will carefully count the actual number of people in a limited number of areas, a sample of 25,000 census blocks out of 7 million nationwide. Riche Report at 30. The Department will then compare the results of this careful head count to the numbers derived from the direct responses of the counting phase. It will then infer that demographic deviations from the initial calculation will occur throughout the rest of the state in question for each particular strata that is measured. "These strata will be based on the characteristics of each block in the 1990 census, such as the block's state, racial and ethnic status, and proportion of homeowners to renters." Riche Report at 30.

48. According to the Department, "Compared to the undercount rate for non-Hispanic Whites, the 1990 undercount rates were six times larger among African Americans and seven times larger among Hispanics." Riche Report at 4. Thus, the computer-generated persons created by the Department will include a disproportionately high number of these minority groups. Any adjustments based on this methodology will have the effect of increasing the relative population of areas with a disproportionately large number of minorities under a virtual census as compared to an actual head

count and decreasing the relative population of areas with a disproportionately fewer number of minorities.

49. The post-enumeration survey ("PES") conducted by the Department after the 1990 census also utilized DSE. The Department has based its simulations of the 2000 census on the premise "that the percentage undercounts (and overcounts) measured for each group in the 1990 PES also would apply in Census 2000." Riche Report at 45.

50. In short, the census will utilize statistical sampling in at least three ways: 1) to conduct non-response follow-up and thus to arrive at an estimation of 90 percent of the population; 2) to model that number to an estimation of 100 percent of the population; 3) to adjust that estimate to take into account demographic deviations that are discovered through the process of ICM.

51. Congress has found that "the decennial enumeration of the population is a complex and vast undertaking, and if such enumeration is conducted in a manner that does not comply with the requirements of the Constitution or laws of the United States, it would be impracticable for the States to obtain, and the courts of the United States to provide, meaningful relief after such enumeration has been conducted." 1998 Appropriations Act, P.L. 105-119, § 209(a)(8).

52. Federal law requires the Secretary of Commerce to report a tabulation of the total population by States to the President by January 1, 2001, and in turn requires the President to "transmit to the Congress a statement showing the whole number of persons in each state" by January 8, 2001. 13 U.S.C. § 141(b); 2 U.S.C. § 2a. In light of the significant practical difficulties of conducting an actual head count of the population, the

Defendants will not be able to conduct an actual head count by January 1, 2001, unless they begin this process in 1999 at the latest. Thus, absent judicial intervention in the immediate future, the Defendants cannot provide lawful or constitutional census figures by January 1, 2001, the date required by statute and the Constitution. Moreover, if the Department is required to conduct an actual head count at any time after January 1, 2001 it will be unable to complete an actual head count in time to provide the Congress and the states with the census data they need to create equally populated congressional districts for the 2002 elections. Thus, if the legality and constitutionality of the Department's Census Plan is not resolved in the immediate future, it will not be possible to use an actual head count, or any lawful or constitutional census, as apportionment or redistricting figures for the 2002 elections or other legally mandated purposes.

53. The 1998 Appropriations Act provides that "the use of any statistical method as part of a dress rehearsal or other simulation of a census in preparation for the use of such method, in a decennial census, to determine the population for purposes of the apportionment or redistricting of Members in Congress shall be considered the use of such method in connection with that census." 1998 Appropriations Act, P.L. 105-119, § 209(c)(1).

54. The Riche Report, ordered by Congress in title VIII of Public Law 105-118, and the Census 2000 Operational Plan, have been deemed by Congress to be sufficiently concrete and final so as to constitute final agency action regarding the use of statistical methods in the 2000 decennial census. 1998 Appropriations Act, P.L. 105-119, § 209(c)(2).

55. On April 1, 1998, the Department will commence the 2000 Census by conducting the "Census 2000 Dress Rehearsal" to perform operational testing of procedures and systems to be used in the 2000 Census. Census 2000 Operational Plan at XIII-3.

56. The 2000 Census commences with the Dress Rehearsal, which implements the Department's plan to eliminate the actual head count performed in every other census and, instead, to use a partial head count and to use statistical methodology to add to or subtract from the number of persons counted in the partial head count.

PLAINTIFFS' INJURIES

57. Congress has provided by law that "[a]ny person aggrieved by the use of any statistical method in violation of the Constitution or any provision of law (other than this Act), in connection with the 2000 or any later decennial census, to determine the population for purposes of the apportionment or redistricting of Members in Congress, may in a civil action obtain declaratory, injunctive, and any other appropriate relief against the use of such method." 1998 Appropriations Act, P.L. 105-119, § 209(b).

58. Pursuant to § 209(d) of the 1998 Appropriations Act, an "aggrieved person" entitled to seek relief under the statute "includes:1) any resident of a State whose congressional representation or district could be changed as a result of the use of a statistical method challenged in the civil action; 2) any Representative or Senator in Congress; and 3) either House of Congress."

59. Plaintiffs are aggrieved persons within the meaning of the Appropriations Act and will suffer several discrete, concrete injuries as a result of the Defendants' failure to conduct an actual head count aimed at enumerating the entire population, as the Constitution and the Census Act require.

60. The individual Plaintiffs will suffer vote dilution and a loss of relative political representation as a result of the Defendants' Plan. As residents of areas that will receive a disproportionately low amount of population under the statistical methodology employed by the Plan, the individual Plaintiffs will have less relative population and voting strength than they would have enjoyed if the census were conducted on the basis of an actual head count. Specifically, the relative political representation and voting strength of their districts will be artificially diminished because these districts will be awarded a disproportionately low number of computer-generated persons.

61. This vote dilution will occur both at the intrastate and interstate level. Within the individual Plaintiffs' states, these Plaintiffs will suffer a decrease in their relative voting strength as representatives are subtracted and their district's or county's political strength is artificially diminished as a result of the Defendants' statistical sampling and adjustment. Plaintiffs residing in Maricopa, Bergen, Washoe, Orange, Cobb, St. Johns, and Gallatin Counties will suffer a dilution in their voting strength because sampling will decrease the political representation and strength of these counties within their states. The individual Plaintiffs residing in Cumberland County, Pennsylvania, and LaSalle County, Illinois, will suffer a decrease in their voting strength because the Department will actually subtract population from the actual headcount conducted there. Similarly, individual Plaintiffs' political representation in Congress will be adversely affected.

There is a substantial likelihood and probability that at least one of the Plaintiffs residing in Indiana, Wisconsin, Pennsylvania, Illinois or Ohio will lose, or fail to gain, a seat in the House of Representatives as a direct result of the Department's sampling Plan.

62. But for the Defendants' decision to substitute statistical sampling for an actual enumeration of the population, the individual Plaintiffs residing in Maricopa, Bergen, Orange, Washoe, St. Johns, Cobb, Gallatin, and Cumberland Counties would live in districts with more political representation and districts and counties that would receive more federal funding.

63. The Congressional representation, or district, of all of the Plaintiffs could be changed as a result of the use of Defendants' statistical methodology.

64. If the Department fails to conduct an actual head count, there will be no valid census which state governments may use to redistrict for the 2002 federal and state elections. If the Department is allowed to conduct a virtual census and it is subsequently invalidated, the Department will not be able to conduct an actual head count in time to provide the Congress and the States with census figures in time for them to redistrict by the 2002 elections. Plaintiffs' fundamental rights to representation based on a timely apportionment of their federal and state districts, to equal representation and to vote will be irreparably injured if the 2002 elections are delayed and/or conducted in districts based on an unlawful 2000 census or the 1990 census figures.

65. Several of the individual Plaintiffs live in districts whose population has increased significantly since 1990. At the interstate level, several of the individual Plaintiffs reside in Georgia, which is virtually certain to

gain an extra seat in Congress after the next decennial census is conducted, regardless of whether sampling or an actual headcount is pursued. At the intrastate level, several of the individual Plaintiffs reside in Forsyth County, Georgia, Cobb County, Georgia, Loudoun County, Virginia, and St. Johns County, Florida, whose population has grown significantly during the 1990's. These Plaintiffs will suffer an irreparable loss of their share of political representation both in Congress and in state legislatures as a direct consequence of the Defendants' failure to conduct a lawful and constitutional census and apportionment.

66. Since the State of Georgia will be unable to redistrict based on a legally constitutionally valid apportionment, Plaintiff Robert Barr will be unable to take his seat as a member of the House of Representatives in a timely and orderly manner and his constituents' constitutional right to petition the government will be adversely affected.

67. The County Plaintiff currently receive funds from a variety of federal programs that are statutorily required or authorized to allocate their resources on the basis of the census. If the Department's Plan is implemented, it will determine the level of funding that the County Plaintiff receives. The County Plaintiff will be adversely affected by the Department's Plan because this plaintiff will be awarded a disproportionately small number of computer generated population as compared to its neighbors. As a result, this plaintiffs will receive less federal funding than it would if the census were lawfully conducted on the basis of an actual head count.

68. Alternatively, if the Department's Plan were implemented and then invalidated, the County Plaintiff would be injured by the resulting delay in completing a

constitutional census. The population in this county has increased at a disproportionately high rate since 1990, and thus this county will be entitled to an increase in federal funding that is allocated on the basis of the census. A delay in the completion of a constitutional census directly inflicts financial injury on the County Plaintiff.

69. The Plaintiffs have no adequate remedy at law.

COUNT I

70. Plaintiffs repeat and reallege each allegation contained in paragraph 1 through 69 and incorporate them herein by reference.

71. Congress has delegated to the Department the duty to conduct the decennial census in such manner as Congress "shall by Law direct." U.S. Const. Art. I, § 2, cl. 3; Census Act of 1976, 13 U.S.C. § 21.

72. Through the Census Act, Congress has directed the Department not to use statistical sampling "for the determination of population for purposes of apportionment of Representatives in Congress among the several States." The Census Act of 1976, 13 U.S.C. § 195; *see also* 13 U.S.C. § 141(e)(2).

73. The Defendants will use statistical sampling, in place of an actual count of the population, for the 2000 Census for the purposes of apportionment. The Defendants' use of statistical sampling violates Section 195 of the 1976 Census Act.

COUNT II

74. Plaintiffs repeat and reallege each allegation contained in paragraph 1 through 73 and incorporate them herein by reference.

75. Article I, Section 2 of the Constitution requires that the census shall be made on the basis of an "actual Enumeration" every ten years. U.S. Const., Art. I., § 2, cl. 3. The Defendants' decision to deliberately fail to count at least 10 percent of the population in the 2000 census violates this provision because it is not an "actual Enumeration." The Defendants' election to add computer generated population numbers to (or subtract real people from) the census through a process of statistical sampling and adjustment violates this provision because it is not an "actual Enumeration."

76. The Defendants' decision to omit at least 10 percent of the population and further add population numbers through statistical sampling and adjustment is not a good faith effort, or reasonably calculated, to accomplish an actual enumeration of the population. It is also inconsistent with the constitutional goal of equal representation.

COUNT III

77. Plaintiffs repeat and reallege each allegation contained in paragraph 1 through 76 and incorporate them herein by reference.

78. The Fourteenth Amendment of the Constitution mandates that "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State. . . ." U.S. Const., Amend. XIV, § 2.

79. The Defendants' decision to deliberately fail to count at least 10 percent of the persons in a state for the 2000 census violates this provision because it will apportion representatives on the basis of a census that has failed to "count the whole numbers of persons in each State." The Defendants' decision to add popula-

tion numbers through a process of statistical sampling and adjustment violates this provision because it will apportion representatives on the basis of a census that has failed to "count the whole numbers of persons in each State."

80. The Defendants' decision to omit at least10 percent of the population and further add population numbers through statistical sampling and adjustment is not a good faith effort, or reasonably calculated, to count the whole numbers of persons in each state. It is also inconsistent with the constitutional goal of equal representation.

COUNT IV

81. Plaintiffs repeat and realleges each allegation contained in paragraph 1 through 80 and incorporate them herein by reference.

82. Plaintiffs have a right to equal representation for equal numbers of people and to have their congressional districts bear a reasonable relationship to the actual enumeration of the population.

83. The Department must engage in a good faith effort to conduct an enumeration of the population so that federal districts are based on this enumeration. Since the Defendants will not conduct an actual enumeration of at least 10 percent of the population and will further adjust these results statistically, any congressional district based on this census will not bear a reasonable relationship to an actual enumeration of the population or the constitutional goal of equal representation.

84. As a result of the Defendants action, the individual Plaintiffs will be deprived of their right to vote in districts that bear a reasonable relation to an actual

enumeration and their right to equal representation for equal numbers of people. This vote dilution is unconstitutional. U.S. Const., Art. I, § 2.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

(a) Convene a three judge panel to hear and decide this case pursuant to 28 U.S.C. § 2284 and § 209(e)(1) of the 1998 Appropriations Act;

(b) Declare Defendants' decision to omit at least 10% of the population and to use statistical sampling to adjust the 2000 Census population for purposes of apportionment of Representatives among the several States in connection with the 2000 Census to be in violation of the laws and Constitution of the United States.

(c) Permanently enjoin Defendants from taking any further action to implement any plan which does not attempt to count 100% of the population or which utilizes statistical sampling to adjust the population for purposes of apportionment of the Representatives among the several States and require Defendants to do an actual count of the population; and,

(d) Award to Plaintiffs such additional and further relief as the Court deems just and proper, including, but not limited to, their costs and attorney's fees incurred in bringing this action.

Respectfully Submitted,

/s/ ROBERT J. CYNKAR

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Civil Action File No. 98-207-A

MATTHEW GLAVIN,
A RESIDENT OF THE STATE OF GEORGIA;
ROBERT BARR,
INDIVIDUALLY AND IN HIS CAPACITY AS A MEMBER OF THE UNITED STATES HOUSE OF REPRESENTATIVES;
GARY A. HOFMEISTER,
A RESIDENT OF THE STATE OF INDIANA;
STEPHEN GONS,
A RESIDENT OF THE STATE OF PENNSYLVANIA;
JAMES F. MCLAUGHLIN,
A RESIDENT OF THE STATE OF NEW JERSEY;
DAVID H. GLAVIN, A RESIDENT OF THE STATE OF OHIO;
JOHN TAYLOR,
A RESIDENT OF THE COMMONWEALTH OF VIRGINIA;
DEBORAH HARDMAN,
A RESIDENT OF THE STATE OF FLORIDA;
CRAIG MARTIN,
A RESIDENT OF THE STATE OF CONNECTICUT;
JIM LACY, A RESIDENT OF THE STATE OF CALIFORNIA;
JUDY CRESANTA,
A RESIDENT OF THE STATE OF NEVADA;
HELEN V. ENGLAND,
A RESIDENT OF THE STATE OF ARIZONA;
AMIE S. CARTER,
A RESIDENT OF THE STATE OF MONTANA;
ROBERT RICHARD DENNIK,
A RESIDENT OF THE STATE OF WISCONSIN;
MICHAEL T. JAMES,
A RESIDENT OF THE STATE OF ILLINOIS;
WILLIAM J. BYRN, A RESIDENT OF THE STATE OF GEORGIA, INDIVIDUALLY AND IN HIS OFFICIAL

CAPACITY AS COBB COUNTY COMMISSION CHAIRMAN;
COBB COUNTY, GEORGIA;
BUCKS COUNTY, PENNSYLVANIA;
DELAWARE COUNTY, PENNSYLVANIA; AND DUPAGE
COUNTY, ILLINOIS, PLAINTIFFS

v.

WILLIAM J. CLINTON, IN HIS CAPACITY AS
PRESIDENT OF THE UNITED STATES; THE UNITED
STATES DEPARTMENT OF COMMERCE; WILLIAM M.
DALEY, IN HIS CAPACITY AS SECRETARY OF THE
UNITED STATES DEPARTMENT OF COMMERCE; BUREAU
OF THE CENSUS, AN AGENCY WITHIN THE UNITED
STATES DEPARTMENT OF COMMERCE; AND JAMES F.
HOLMES, IN HIS CAPACITY AS ACTING DIRECTOR OF
THE BUREAU OF THE CENSUS, DEFENDANTS

SECOND AMENDED COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF

COME NOW Plaintiffs Matthew Glavin, a resident of the State of Georgia; Robert Barr, individually, and in his capacity as a member of the United States House of Representatives; Gary A. Hofmeister, a resident of the State of Indiana; Stephen Gons, a resident of the Commonwealth of Pennsylvania; James F. McLaughlin, a resident of the State of New Jersey; David H. Glavin, a resident of the State of Ohio; John Taylor, a resident of the Commonwealth of Virginia; Deborah Hardman, a resident of the State of Florida; Craig Martin, a resident of the State of Connecticut; Jim Lacy, a resident of the State of California; Judy Cresanta, a resident of the State of Nevada; Helen V. England, a resident of the State of Arizona; Amie S. Carter, a resident of the

State of Montana; Robert Richard Dennik, a resident of the State of Wisconsin; Michael T. James, a resident of the State of Illinois; William J. Byrn, a resident of the State of Georgia, individually and in his official capacity as Cobb County Commission Chairman (hereinafter collectively referred to as " individual Plaintiffs" or "Plaintiffs"); Cobb County, Georgia; Bucks County, Pennsylvania; Delaware County, Pennsylvania; and DuPage County, Illinois (the "County Plaintiffs") and hereby make and file this their Complaint for Declaratory Judgment and Injunctive Relief against Defendants William J. Clinton, in his capacity as President of the United States; the United States Department of Commerce; William M. Daley, in his capacity as Secretary of the United States Department of Commerce; the Bureau of the Census, an agency within the United States Department of Commerce; and James F. Holmes, in his capacity as Acting Director of the Bureau of the Census (hereinafter collectively referred to as the "Defendants") as follows:

PARTIES

1. Plaintiff Matthew Glavin is a voter of the State of Georgia and Forsyth County, residing in the 9th Congressional District, the 48th State Senate District, and the 85th State House District. Mr. Glavin is a registered voter and will vote in the 2002 elections.

2. Plaintiff Robert Barr is a sitting member of the House of Representatives of the United States, representing the Seventh District of the State of Georgia, who intends to seek reelection for such office and to vote in such election. Representative Barr resides in Cobb County and votes in the 32nd State Senate District and 29th State House District.

3. Plaintiff Gary A. Hofmeister is a voter of the State of Indiana and Marion County, residing in the 10th Congressional District, the 30th State Senate District and the 87th State House District. Mr. Hofmeister is a registered voter and will vote in the 2002 elections.

4. Plaintiff Stephen Gons is a voter of the Commonwealth of Pennsylvania and Cumberland County, residing in the 19th Congressional District, the 31st State Senate District and the 88th State House District. Mr. Gons is a registered voter and will vote in the 2002 elections.

5. Plaintiff James F. McLaughlin is a voter of the State of New Jersey and Bergen County, residing in the 5th Congressional District, the 39th State Senate District, and the 39th State House District. Mr. McLaughlin is a registered voter and will vote in the 2002 elections.

6. Plaintiff David H. Glavin is a voter of the State of Ohio and Cuyahoga County, residing in the 19th Congressional District, the 22nd State Senate District and the 15th State House District. Mr. Glavin is a registered voter and will vote in the 2002 elections.

7. John Taylor is a voter in the Commonwealth of Virginia and Loudoun County, residing in the 10th Congressional District, the 33rd State Senate District and the 32nd State House District. Mr. Taylor is a registered voter and will vote in the 2002 elections.

8. Deborah Hardman is a voter in the State of Florida and St. Johns County, residing in the 4th Congressional District, the 8th State Senate District and the 18th State House District. Ms. Hardman is a registered voter and will vote in the 2002 elections.

9. Craig Martin is a voter in the State of Connecticut and New Haven County, residing in the 5th Congressional District, the 16th State Senate District, and the 73rd State House District. Mr. Martin is a registered voter and will vote in the 2002 elections.

10. Jim Lacy is a voter in the State of California and Orange County, residing in the 47th Congressional District, the 38th State Senate District and the 73rd State House District. Mr. Lacy is a registered voter and will vote in the 2002 elections.

11. Judy Cresanta is a voter in the State of Nevada and Washoe County, residing in the 2nd Congressional District, the 3rd State Senate District and the 25th State House District. Ms. Cresanta is a registered voter and will vote in the 2002 elections.

12. William J. Byrn is a voter in the State of Georgia and Cobb County, residing in the 7th Congressional District, the 37th State Senate District and the 34th State House District. Mr. Byrn is also the Cobb County Commission Chairman. Mr. Byrn is a registered voter and will vote in the 2002 elections.

13. Helen V. England is a voter in the State of Arizona and Maricopa County, residing in the 3rd Congressional District, the 17th State Senate District and the 17th State House District. Ms. England is a registered voter and will vote in the 2002 elections.

14. Amie S. Carter is a voter in the State of Montana and Gallatin County, residing in an at-large Congressional District, the 14th State Senate District and the 27th State House District. Ms. Carter is a registered voter and will vote in the 2002 elections.

15. Michael T. James is a voter in the State of Illinois and LaSalle County, residing in the 11th Con-

gressional District, the 38th State Senate District and the 76th State House District. Mr. James is a registered voter and will vote in the 2002 elections.

16. Robert Richard Dennik is a voter in the State of Wisconsin and Milwaukee County, residing in the 5th Congressional District, the 5th State Senate District and the 14th State House District. Mr. Dennik is a registered voter and will vote in the 2002 elections.

17. Cobb County is located in the State of Georgia and receives federal funds that are allocated on the basis of the results of the census.

18. Bucks County is located in the Commonwealth of Pennsylvania and receives federal funds that are allocated on the basis of the results of the census.

19. Delaware County is located in the Commonwealth of Pennsylvania and receives federal funds that are allocated on the basis of the results of the census.

20. DuPage County is located in the State of Illinois and receives federal funds that are allocated on the basis of the results of the census.

21. Defendant William J. Clinton is President of the United States and is being sued in his capacity as such. Defendant Clinton may be served with a copy of the Summons and Complaint in accord with Fed. R. Civ. P. 4(i)(2).

22. Defendant United States Department of Commerce is a department within the executive branch of the government of the United States of America and an "agency" within the meaning of the Administrative Procedures Act ("APA"), 5 U.S.C. §§ 701, *et seq.* Defendant Commerce Department may be served with a

copy of the Summons and Complaint in accord with Fed. R. Civ. P. 4(i)(2).

23. Defendant William M. Daley is the Secretary of Commerce, and he is being sued in his capacity as such. Defendant Daley may be served with a copy of the Summons and Complaint in accord with Fed. R. Civ. P. 4(i)(2).

24. Defendant Bureau of the Census is an agency within the Commerce Department, and is an "agency" within the meaning of the Administrative Procedure Act, 5 U.S.C. §§ 701, *et seq.* (the "APA"). Defendant Census Bureau may be served with a copy of the Summons and Complaint in accord with Fed. R. Civ. P. 4(i)(2).

25. Defendant James F. Holmes is the Acting Director of the Census Bureau and is being sued in his capacity as such. Defendant Holmes may be served with a copy of the Summons and Complaint in accord with Fed. R. Civ. P. 4(i)(2).

JURISDICTION AND VENUE

26. This civil action is a case of actual controversy between Plaintiffs and Defendants which arises under the Constitution of the United States and a federal statute and may be finally adjudicated as between the parties. The rights here sought to be redressed are rights guaranteed by Article I, § 2, cl.3; the First and Fourteenth Amendments to the United States Constitution; 2 U.S.C. § 2a; the Census Act of 1976, 13 U.S.C. § 1 *et seq.*

27. Congress has specifically granted this Court jurisdiction over this case pursuant to the Departments of Commerce, Justice, State, the Judiciary, and Related

Agencies Appropriations Act, 1998, P.L. 105-119 (November 26, 1997) (the "1998 Appropriations Act").

28. Jurisdiction is also conferred upon this Court by 28 U.S.C. §§ 1331 and 1343(a)(4). A declaration of rights is sought pursuant to 28 U.S.C. §§ 2201, 2202 and the 1998 Appropriations Act, P.L. 105-119, § 209(b).

29. Plaintiffs are entitled to have this case heard and decided by a three judge panel pursuant to the 1998 Appropriations Act, P.L. 105-119, § 209(e)(1) and 28 U.S.C. § 2284 because this case challenges the constitutionality of the method by which the Commerce Department and its agency, the Census Bureau, will determine the population of the United States for purposes of apportioning representation among the several States. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e)(3) as plaintiff John Taylor resides in this judicial district and "no real property is involved in the action."

STATEMENT OF FACTS

THE LEGAL FRAMEWORK OF THE CENSUS

30. The United States Constitution requires that congressional "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State. . . ." U.S. Const., Amend. XIV, § 2; Art. I, § 2, cl. 3.

31. The Department of Commerce and its agency, the Bureau of the Census (collectively referred to as the "Department"), have been charged by Congress with the duty to conduct a decennial census in such manner as Congress "shall by Law direct" and in accord with the language and purpose of the Constitution.

U.S. Const. Art. I, § 2, cl. 3; Census Act of 1976, 13 U.S.C. § 21.

32. Following each decennial census, the President of the United States is required to transmit to Congress "a statement showing the whole number of persons in each State" and "the number of Representatives to which each State would be entitled" under a lawful apportionment on the first day, or within one week, of the first regular session of Congress. 2 U.S.C. § 2a(a).

33. The Clerk of the House of Representatives is required to transmit to the executive of each State "a certificate of the number of Representatives to which [each] State is entitled," within fifteen days of receipt of the apportionment statement from the President, based on the apportionment of the population derived from the decennial census. 2 U.S.C. § 2b.

34. After receiving the apportionment certification from the Clerk of the House, the States are required to establish congressional districts equal to the number of Representatives to which each State is entitled and "Representatives shall be elected only from districts so established." 2 U.S.C. § 2c.

35. The decennial census is the foundation of representative government under the Constitution because it provides the basis for apportionment of the number of congressional Representatives to which each State is entitled and the number of Electors from each State who, representing the people, elect the President of the United States. U.S. Const., Art. I, § 2, cl. 2; Art. II; 2 U.S.C. §§ 2c, 3.

36. The census also plays an important role in intrastrate redistricting because "State and local governments use census data to draw legislative districts

of equal population to comply the with constitutional 'one man, one vote' mandate." REPORT TO CONGRESS – THE PLAN FOR CENSUS 2000, July 1997, as revised and reissued in August 1997, (the "Riche Report") at 1. In fact, many state constitutions and statutes require the state to utilize the federal census in conducting their redistricting. Arizona, California, Connecticut, Florida, Georgia, Indiana, Montana, Nevada, New Jersey, Ohio, Pennsylvania, Virginia, and Wisconsin have such a requirement.

37. The census also has important ramifications for state and local governments and their residents because census data are used "to determine allocation formulas for the distribution of billions of dollars of federal and state funds each year." Riche Report at ix.

38. The Constitution prohibits the intentional omission of any person from the decennial census by mandating that Congress, through the Department, conduct an "actual Enumeration" and engage in "counting the whole number of persons in each State" to implement the constitutional scheme of representative government, as envisioned by the Framers. U.S. Const., Art. I, § 2, cl. 3; XIV Amend. For similar reasons, it prohibits the decennial census' population figures to be based on a statistical estimate or anything other than an actual counting of real persons.

39. Pursuant to the Census Act of 1976 (the "Census Act"), Congress has also expressly prohibited the Department from using the statistical method known as "sampling" in conducting the decennial census for determining the population for purposes of apportionment of Representatives among the several States. Census Act of 1976, 13 U.S.C. § 195.

40. On June 5, 1997, Congress enacted the Supplemental Appropriations and Rescissions Act (the "Supplemental Appropriations Act") H.R. Cong. Report No. 119, 105th Congress, 1st Session, June 4, 1997, which, in relevant part, prohibited the Department from utilizing any funds "to plan or otherwise prepare for the use of sampling or any other statistical procedure, including statistical adjustment in any determination of population for purposes of the apportionment of Representatives in Congress among the several States."

41. On June 9, 1997, Defendant Clinton vetoed the Supplemental Appropriations Act based on his opinion that "the Constitution and relevant statutes permit the use of sampling in the decennial census." Message of Cancellation, 1997 WL 307949.

42. In November of 1997, Congress appropriated funding for the Commerce Department, including funds for conducting the 2000 Census, finding that "the sole constitutional purpose of the decennial enumeration of the population is the apportionment of Representatives in Congress among the several States." 1998 Appropriations Act, P.L. 105-119, § 209(a)(2).

The Department's Plan For Statistical Sampling and Adjustment

43. Every census since the founding of the Republic has attempted to count each person. Each such census has actually enumerated the number of people. In other words, the number of persons has always been determined by means of an actual head count.

44. Given the inherent difficulties of actually enumerating the population, each census has unintentionally failed to count some people.

45. For the first time in the Nation's history, the federal government has decided that it will intentionally fail to count at least 10 percent of the population. Thus, at least 26 million Americans will be deliberately omitted from the census if the Plan for Census 2000 is implemented. In addition, population figures produced pursuant to the Plan will not represent the sum of the omitted 10% and the 90% sought to be counted, but will be further adjusted upward based on estimates derived from statistical sampling and inference.

46. Congress enacted the 1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters ("1997 Disaster Relief Bill") which, in relevant part, required the Department to provide Congress with a written report containing a statement of the methodologies to be used in the conduct of the 2000 Census.

47. As required by the 1997 Disaster Relief Bill, the Department issued the Riche Report which commits the Department to using statistical sampling in lieu of an actual enumeration for calculating the population in the 2000 Census.

48. In July of 1997, the Department published its *Census 2000 Operational Plan* (the "Plan"), further confirming its intent to substitute statistical sampling for actual enumeration in the 2000 Census. The Plan further confirms that the Department will deliberately omit approximately 26 million people (ten percent of the population) from its actual count.

49. The Department has specified that it will use the following methodology in conducting the 2000 Census: First, the Department will send questionnaires to households identified on its Master Address List.

Second, the Department will conduct a non-response follow-up for some of those households which did not respond to the questionnaires. "The nonresponse follow-up operation in Census 2000 will incorporate the use of sampling to yield a 90 percent completion rate at the census tract level." Riche Report at 18. Once the Department has attempted to count 90 percent of the population, no further effort will be made to count the missing persons. The Department will use statistical sampling to add computer-generated population numbers to compensate for the intentional undercount of 10% of all housing units. This estimate of virtual persons will be modeled after the composition of those persons who were counted only as a result of the follow-up efforts. Thus, these fictional persons will not reflect the overall demographic composition of all the persons that were actually counted in that area.

50. After using sampling to achieve a statistical estimation of 100% of the population, the Department will further manipulate the population estimate by an additional statistical methodology known as integrated coverage management ("ICM"). ICM relies upon dual system estimation ("DSE") pursuant to which the Department will carefully count the actual number of people in a limited number of areas, a sample of 25,000 census blocks out of 7 million nationwide. Riche Report at 30. The Department will then compare the results of this careful head count to the numbers derived from the direct responses of the counting phase. It will then infer that demographic deviations from the initial calculation will occur throughout the rest of the state in question for each particular strata that is measured. "These strata will be based on the characteristics of each block in the 1990 census, such as the block's state,

racial and ethnic status, and proportion of homeowners to renters." Riche Report at 30.

51. According to the Department, "Compared to the undercount rate for non-Hispanic Whites, the 1990 undercount rates were six times larger among African Americans and seven times larger among Hispanics." Riche Report at 4. Thus, the computer-generated persons created by the Department will include a disproportionately high number of these minority groups. Any adjustments based on this methodology will have the effect of increasing the relative population of areas with a disproportionately large number of minorities under a virtual census as compared to an actual head count and decreasing the relative population of areas with a disproportionately fewer number of minorities.

52. The post-enumeration survey ("PES") conducted by the Department after the 1990 census also utilized DSE. The Department has based its simulations of the 2000 census on the premise "that the percentage undercounts (and overcounts) measured for each group in the 1990 PES also would apply in Census 2000." Riche Report at 45.

53. In short, the census will utilize statistical sampling in at least three ways: 1) to conduct non-response follow-up and thus to arrive at an estimation of 90 percent of the population; 2) to model that number to an estimation of 100 percent of the population; 3) to adjust that estimate to take into account demographic deviations that are discovered through the process of ICM.

54. Congress has found that "the decennial enumeration of the population is a complex and vast undertaking, and if such enumeration is conducted in a manner that does not comply with the requirements of the

Constitution or laws of the United States, it would be impracticable for the States to obtain, and the courts of the United States to provide, meaningful relief after such enumeration has been conducted." 1998 Appropriations Act, P.L. 105-119, § 209(a)(8).

55. Federal law requires the Secretary of Commerce to report a tabulation of the total population by States to the President by January 1, 2001, and in turn requires the President to "transmit to the Congress a statement showing the whole number of persons in each state" by January 8, 2001. 13 U.S.C. § 141(b); 2 U.S.C. § 2a. In light of the significant practical difficulties of conducting an actual head count of the population, the Defendants will not be able to conduct an actual head count by January 1, 2001, unless they begin this process in 1999 at the latest. Thus, absent judicial intervention in the immediate future, the Defendants cannot provide lawful or constitutional census figures by January 1, 2001, the date required by statute and the Constitution. Moreover, if the Department is required to conduct an actual head count at any time after January 1, 2001 it will be unable to complete an actual head count in time to provide the Congress and the states with the census data they need to create equally populated congressional districts for the 2002 elections. Thus, if the legality and constitutionality of the Department's Census Plan is not resolved in the immediate future, it will not be possible to use an actual head count, or any lawful or constitutional census, as apportionment or redistricting figures for the 2002 elections or other legally mandated purposes.

56. The 1998 Appropriations Act provides that "the use of any statistical method as part of a dress rehearsal or other simulation of a census in preparation

for the use of such method, in a decennial census, to determine the population for purposes of the apportionment or redistricting of Members in Congress shall be considered the use of such method in connection with that census." 1998 Appropriations Act, P.L. 105-119, § 209(c)(1).

57. The Riche Report, ordered by Congress in title VIII of Public Law 105-118, and the Census 2000 Operational Plan, have been deemed by Congress to be sufficiently concrete and final so as to constitute final agency action regarding the use of statistical methods in the 2000 decennial census. 1998 Appropriations Act, P.L. 105-119, § 209(c)(2).

58. On April 1, 1998, the Department will commence the 2000 Census by conducting the "Census 2000 Dress Rehearsal" to perform operational testing of procedures and systems to be used in the 2000 Census. Census 2000 Operational Plan at XIII-3.

59. The 2000 Census commences with the Dress Rehearsal, which implements the Department's plan to eliminate the actual head count performed in every other census and, instead, to use a partial head count and to use statistical methodology to add to or subtract from the number of persons counted in the partial head count.

PLAINTIFFS' INJURIES

60. Congress has provided by law that "[a]ny person aggrieved by the use of any statistical method in violation of the Constitution or any provision of law (other than this Act), in connection with the 2000 or any later decennial census, to determine the population for purposes of the apportionment or redistricting of Members in Congress, may in a civil action obtain declaratory,

injunctive, and any other appropriate relief against the use of such method." 1998 Appropriations Act, P.L. 105-119, § 209(b).

61. Pursuant to § 209(d) of the 1998 Appropriations Act, an "aggrieved person" entitled to seek relief under the statute "includes:1) any resident of a State whose congressional representation or district could be changed as a result of the use of a statistical method challenged in the civil action; 2) any Representative or Senator in Congress; and 3) either House of Congress."

62. Plaintiffs are aggrieved persons within the meaning of the Appropriations Act and will suffer several discrete, concrete injuries as a result of the Defendants' failure to conduct an actual head count aimed at enumerating the entire population, as the Constitution and the Census Act require.

63. The individual Plaintiffs will suffer vote dilution and a loss of relative political representation as a result of the Defendants' Plan. As residents of areas that will receive a disproportionately low amount of population under the statistical methodology employed by the Plan, the individual Plaintiffs will have less relative population and voting strength than they would have enjoyed if the census were conducted on the basis of an actual head count. Specifically, the relative political representation and voting strength of their districts will be artificially diminished because these districts will be awarded a disproportionately low number of computer-generated persons.

64. This vote dilution will occur both at the intrastate and interstate level. Within the individual Plaintiffs' states, these Plaintiffs will suffer a decrease in their relative voting strength as representatives are

subtracted and their district's or county's political strength is artificially diminished as a result of the Defendants' statistical sampling and adjustment. Plaintiffs residing in Maricopa, Bergen, Washoe, Orange, Cobb, St. Johns, and Gallatin Counties will suffer a dilution in their voting strength because sampling will decrease the political representation and strength of these counties within their states. The individual Plaintiffs residing in Cumberland County, Pennsylvania, and LaSalle County, Illinois, will suffer a decrease in their voting strength because the Department will actually subtract population from the actual headcount conducted there. Similarly, individual Plaintiffs' political representation in Congress will be adversely affected. There is a substantial likelihood and probability that at least one of the Plaintiffs residing in Indiana, Wisconsin, Pennsylvania, Illinois or Ohio will lose, or fail to gain, a seat in the House of Representatives as a direct result of the Department's sampling Plan.

65. But for the Defendants' decision to substitute statistical sampling for an actual enumeration of the population, the individual Plaintiffs residing in Maricopa, Bergen, Orange, Washoe, St. Johns, Cobb, Gallatin, and Cumberland Counties would live in districts with more political representation and districts and counties that would receive more federal funding.

66. The Congressional representation, or district, of all of the Plaintiffs could be changed as a result of the use of Defendants' statistical methodology.

67. If the Department fails to conduct an actual head count, there will be no valid census which state governments may use to redistrict for the 2002 federal and state elections. If the Department is allowed to conduct a virtual census and it is subsequently invalidated, the

Department will not be able to conduct an actual head count in time to provide the Congress and the States with census figures in time for them to redistrict by the 2002 elections. Plaintiffs' fundamental rights to representation based on a timely apportionment of their federal and state districts, to equal representation and to vote will be irreparably injured if the 2002 elections are delayed and/or conducted in districts based on an unlawful 2000 census or the 1990 census figures.

68. Several of the individual Plaintiffs live in districts whose population has increased significantly since 1990. At the interstate level, several of the individual Plaintiffs reside in Georgia, which is virtually certain to gain an extra seat in Congress after the next decennial census is conducted, regardless of whether sampling or an actual headcount is pursued. At the intrastate level, several of the individual Plaintiffs reside in Forsyth County, Georgia, Cobb County, Georgia, Loudoun County, Virginia, and St. Johns County, Florida, whose population has grown significantly during the 1990's. These Plaintiffs will suffer an irreparable loss of their share of political representation both in Congress and in state legislatures as a direct consequence of the Defendants' failure to conduct a lawful and constitutional census and apportionment.

69. Since the State of Georgia will be unable to redistrict based on a legally constitutionally valid apportionment, Plaintiff Robert Barr will be unable to take his seat as a member of the House of Representatives in a timely and orderly manner and his constituents' constitutional right to petition the government will be adversely affected.

70. The County Plaintiffs currently receives funds from a variety of federal programs that are statutorily

required or authorized to allocate their resources on the basis of the census. If the Department's Plan is implemented, it will determine the level of funding that the County Plaintiffs receives. The County Plaintiffs will be adversely affected by the Department's Plan because these plaintiffs will be awarded a disproportionately small number of computer generated population as compared to their neighbors. As a result, these plaintiffs will receive less federal funding than they would have if the census were lawfully conducted on the basis of an actual head count.

71. Alternatively, if the Department's Plan were implemented and then invalidated, the County Plaintiffs would be injured by the resulting delay in comleting a constitutional census. The population in these counties has increased at a disproportionately high rate since 1990, and thus these counties will be entitled to an increase in federal funding that is allocated on the basis of the census. A delay in the completion of a constitutional census directly inflicts financial injury on the County Plaintiffs.

72. The Plaintiffs have no adequate remedy at law.

COUNT I

73. Plaintiffs repeat and reallege each allegation contained in paragraph 1 through 72 and incorporate them herein by reference.

74. Congress has delegated to the Department the duty to conduct the decennial census in such manner as Congress "shall by Law direct." U.S. Const. Art. I, § 2, cl. 3; Census Act of 1976, 13 U.S.C. § 21.

75. Through the Census Act, Congress has directed the Department not to use statistical sampling "for the determination of population for purposes of apportionment of Representatives in Congress among the several States." The Census Act of 1976, 13 U.S.C. § 195; *see also* 13 U.S.C. § 141(e)(2).

76. The Defendants will use statistical sampling, in place of an actual count of the population, for the 2000 Census for the purposes of apportionment. The Defendants' use of statistical sampling violates Section 195 of the 1976 Census Act.

COUNT II

77. Plaintiffs repeat and reallege each allegation contained in paragraph 1 through 76 and incorporate them herein by reference.

78. Article I, Section 2 of the Constitution requires that the census shall be made on the basis of an "actual Enumeration" every ten years. U.S. Const., Art. I., § 2, cl. 3. The Defendants' decision to deliberately fail to count at least 10 percent of the population in the 2000 census violates this provision because it is not an "actual Enumeration." The Defendants' election to add computer generated population numbers to (or subtract

real people from) the census through a process of statistical sampling and adjustment violates this provision because it is not an "actual Enumeration."

79. The Defendants' decision to omit at least 10 percent of the population and further add population numbers through statistical sampling and adjustment is not a good faith effort, or reasonably calculated, to accomplish an actual enumeration of the population. It is also inconsistent with the constitutional goal of equal representation.

COUNT III

80. Plaintiffs repeat and reallege each allegation contained in paragraph 1 through 79 and incorporate them herein by reference.

81. The Fourteenth Amendment of the Constitution mandates that "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State. . . ." U.S. Const., Amend. XIV, § 2.

82. The Defendants' decision to deliberately fail to count at least 10 percent of the persons in a state for the 2000 census violates this provision because it will apportion representatives on the basis of a census that has failed to "count the whole numbers of persons in each State." The Defendants' decision to add population numbers through a process of statistical sampling and adjustment violates this provision because it will apportion representatives on the basis of a census that has failed to "count the whole numbers of persons in each State."

83. The Defendants' decision to omit at least10 percent of the population and further add population numbers through statistical sampling and adjustment is not

a good faith effort, or reasonably calculated, to count the whole numbers of persons in each state. It is also inconsistent with the constitutional goal of equal representation.

COUNT IV

84. Plaintiffs repeat and realleges each allegation contained in paragraph 1 through 83 and incorporate them herein by reference.

85. Plaintiffs have a right to equal representation for equal numbers of people and to have their congressional districts bear a reasonable relationship to the actual enumeration of the population.

86. The Department must engage in a good faith effort to conduct an enumeration of the population so that federal districts are based on this enumeration. Since the Defendants will not conduct an actual enumeration of at least 10 percent of the population and will further adjust these results statistically, any congressional district based on this census will not bear a reasonable relationship to an actual enumeration of the population or the constitutional goal of equal representation.

87. As a result of the Defendants action, the individual Plaintiffs will be deprived of their right to vote in districts that bear a reasonable relation to an actual enumeration and their right to equal representation for equal numbers of people. This vote dilution is unconstitutional. U.S. Const., Art. I, § 2.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that this Court:

(a) Convene a three judge panel to hear and decide this case pursuant to 28 U.S.C. § 2284 and § 209(e)(1) of the 1998 Appropriations Act;

(b) Declare Defendants' decision to omit at least 10% of the population and to use statistical sampling to adjust the 2000 Census population for purposes of apportionment of Representatives among the several States in connection with the 2000 Census to be in violation of the laws and Constitution of the United States.

(c) Permanently enjoin Defendants from taking any further action to implement any plan which does not attempt to count 100% of the population or which utilizes statistical sampling to adjust the population for purposes of apportionment of the Representatives among the several States and require Defendants to do an actual count of the population; and,

(d) Award to Plaintiffs such additional and further relief as the Court deems just and proper, including, but not limited to, their costs and attorney's fees incurred in bringing this action.

May 7th, 1998

Respectfully Submitted,

/s/ ROBERT J. CYNKAR

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Civil Action File No. 98-207-A

GLAVIN, BARR, ET AL., PLAINTIFFS

v.

CLINTON, ET AL, DEFENDANTS

AFFIDAVIT OF DR. RONALD E. WEBER

I, Ronald E. Weber, if called upon to testify, could testify to the following on my own knowledge and belief:

1. I make this affidavit in support of Plaintiffs' Memorandum of Law In Opposition To Defendants' Motion To Dismiss.

2. I am currently the Wilder Crane Professor of Government in the Department of Political Science at the University of Wisconsin, Milwaukee, Wisconsin; President of Campaign and Opinion Research Analysts, Inc.; former co-editor of *The Journal of Politics* and Chairman of the Department of Political Science at the University of Wisconsin, Milwaukee; and former Fulbright Commission John Marshall Professor of Political Science at the Budapest University of Economic Sciences and the Central European University, Budapest, Hungary (1996-97). I received my B.A. in Political Science and History from Macalester College, St. Paul, MN, in 1964 and a Ph.D. in Political Science from Syracuse University in 1969, with specialties in American state politics, voting behavior,

and quantitative analyses of political data. A copy of my curriculum vitae is attached as Exhibit A.

3. I am the author of numerous scholarly works on U.S. state political behavior and public policy-making, including several works on U.S. state legislative elections and voting behavior at the individual and aggregate levels of analysis and on U.S. state policy-making at the aggregate level of analysis. These works have appeared in such academic journals as the *American Political Science Review*, *The Journal of Politics*, *Midwest Journal of Political Science*, *Public Opinion Quarterly*, *American Politics Quarterly*, and *Legislative Studies Quarterly*.

4. I have been retained as a consultant and expert witness in a number of redistricting and voting rights cases and have been qualified as an expert by the U.S. District Courts in the Middle District (Northern and Southern Divisions) of Alabama, the Northern (Tallahassee Division) and Middle (Jacksonville Division) Districts of Florida, the Southern District (Augusta Division) of Georgia, the Northern District (Eastern Division) of Illinois, the Eastern, Middle, and Western Districts of Louisiana, the District of Maryland, the District (Western Division) of Massachusetts, the Eastern District (Southern Division) of Michigan, the Northern District (Eastern and Western Divisions) of Mississippi, the Eastern District (Eastern Division) of Missouri, the District of Nebraska, the Southern District of New York, the Northern (Dallas Division), Southern (Houston Division) and Western (Austin Division) Districts of Texas, the Eastern District of Virginia (Richmond Division), and the Eastern District of Wisconsin. I have given testimony by deposition in a

number of cases, including a deposition for the plaintiffs in the Congressional redistricting case of *Shaw v. Reno*, n/k/a *Shaw v. Hunt* (Eastern District of North Carolina, Raleigh Division). I have testified or executed a declaration in a number of Congressional and state legislative redistricting cases, including *Johnson v. Miller* (Southern District of Georgia, Augusta Division), *Vera v. Richards* (Southern District of Texas, Houston Division), *Hays v. State of Louisiana* (Western District of Louisiana, Shreveport Division), *Johnson v. Mortham* (Northern District of Florida, Tallahassee Division), *Moon v. Meadows* (Eastern District of Virginia, Richmond Division), *Cromartie v. Hunt* (Eastern District of North Carolina, Eastern Division), *DeGrandy v. Wetherell* (Northern District of Florida, Tallahassee Division), *NAACP v. Austin*, (Eastern District of Michigan, Southern Division), and *Thomas v. Bush*, (Western District of Texas, Austin Division). A full listing of the cases in which I have testified in Federal court or I was deposed under oath is attached as Exhibit B.

5. I also have extensive experience using U.S. Bureau of the Census data to develop redistricting plans for local and state governments and providing assistance in obtaining preclearance of redistricting plans pursuant to Section 5 of the Voting Rights Act of 1965, as amended in 1982. I have analyzed and reviewed books, articles, reports, and papers on the apportionment of seats within the U.S. House of Representatives, legal documents governing the allocation of seats within state and local legislative bodies, as well as books, articles, reports, and papers on the allocation and distribution of Federal government funds to the

states and localities and the allocation and distribution of state government aid to local governments.

6. I have been retained by plaintiffs in this case and am being compensated at the rate of $125 per hour plus out-of-pocket expenses. Neither the amount of my compensation nor the fact that I am being compensated has altered the opinions that I have given and will give in this affidavit and case.

I. Methodologies and Data

7. In making my analysis for this affidavit, I reviewed data published by the Bureau of the Census, including (1) Committee on Adjustment of Postcensal Estimates, Bureau of the Census, U.S. Department of Commerce, *Report of the Committee on Adjustment of Postcensal Estimates* (Aug. 7, 1992) ("CAPE Report")[1]; (2) Bureau of the Census, U.S. Department of Commerce, *Report To Congress—The Plan For Census 2000* (July 1997, revised August 1997) (the "Riche Report") and Bureau of the Census, U.S. Department of Commerce, *Census 2000 Operational Plan* (July 1997) (the "Operational Plan") and related documents (collectively referred to as the "Plan"); and (3) population data published by the Bureau of the Census, including population numbers reported in previous censuses used to calculate the apportionment of seats in the U.S. House and Electors in the Electoral College, as well as population estimates and population projections for states, cities and counties.

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[1] *Copies of the Riche Report, Operational Plan and CAPE Report have been filed with the Court as Plaintiffs' Motion for Summary Judgment Exhibits A, B and F, respectively.*

8. The Plan relies upon statistical sampling methodologies to compute an estimated total population to be reported in the year 2000. First, the Department of Commerce ("the Department") will deliberately exclude 10% of the population from its efforts to conduct a traditional head count of the population. The population that is not enumerated will be estimated from a sample of the nonresponding population. Riche Report at 27-29. Second, the Department will adjust the total population numbers obtained in the first phase of the census according to a statistical model in the Integrated Coverage Measurement phase of the Plan. The Department makes the assumption that people with shared demographic characteristics are equally likely to be missed, or counted more than once, in the census. Riche Report at 30. By assigning an "adjustment factor" to these demographic groups, the Department will adjust the number of people counted in the census to comport with a statistical model. Riche Report at 32. Typically, adjustment factors exceed 1 because most demographic groups selected by the Department are estimated to have undercounts. *See* CAPE Report. However, many adjustment factors are *less than 1*; these groups are estimated to have been overcounted by the census. *Id.*

9. Under the Department's Plan, an actual head count of the actual population will not be conducted. Thus, even after the implementation of the Department's Plan, there will be no population numbers available based upon a complete traditional enumeration. Indeed, the Department's Plan intends to deliberately omit approximately 10% of the population from its actual head count.

10. If the Department's Plan is invalidated after it has been implemented, it will be impossible for the Department or the states to conduct a complete head count of the population prior to either the state elections in the year 2001 or the state and federal elections in the year 2002. Conducting an actual enumeration is an extremely time-consuming and expensive undertaking that cannot be completed in such a short time frame.

11. The CAPE Report contains a listing of Revised Net Undercount Rates ("NUR") for the 1990 census. The NUR are the factors that would have been used as multipliers to adjust the population numbers in the 1990 census. For each adjustment rate (NUR) in the CAPE Report, the Department has calculated the standard error and chosen a preferred point in the range of possible rates as the reported net undercount rate (NUR). The NUR in the CAPE Report are the best available data with respect to adjustment of population numbers and the Department is also currently using these sources as "the best available data" to analyze the Department's progress in implementing the Plan for Census 2000. *GAO/GGD-97-142* at 9.

12. As nearly every analysis of the undercount in the census acknowledges, there are certain demographic characteristics which are related to the measured undercount. One of the largest components of this is race and Hispanic origin. *See* Riche Report at 3-4, 31. More particularly, the main components of the NUR rely on the same demographic factors to be used pursuant to the Plan, including minority status, ethnicity, urban/rural place of residence, and owner/renter status. Therefore, areas which had high per-

centages of minority or ethnic populations in 1990 would also be substantially likely to have high percentages of these populations in 2000. While a variance in the minority population in these areas in 2000 might affect the degree of the measured undercount, it is unlikely to have a material effect on the direction of adjustment in these areas.

13. With respect to projected numbers for the year 2000, I have used projections issued by the Department for July 1, 2000. The two most recent releases are those issued in November of 1996 (PPL-47) and March of 1994 (Series P25-1111). For each projection, the Department denominates one set of population projections as the "Preferred Series."

14. Using the "Preferred Series" of population projections for 2000 and the NUR, I calculated the adjusted populations of states for 2000 based upon both a traditional enumeration and the Department's Plan. Further, I calculated, as a percentage, the difference in population numbers projected for 2000 for states under a traditional enumeration and the Department's Plan. Further, I calculated the number of seats to be apportioned to each State based upon the so-called "method of equal proportions" under both the Department's Plan and a traditional enumeration.[2] The "method of equal proportions" is the same formula used for the past six census-based apportionments and which will be used to apportion the seats to the states following the 2000 Census for the congressional

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[2] *See M.L. Balinski and H.P. Young, Fair Representation: Meeting the Idea of One Man, One Vote. New Haven: Yale University Press, 1983; Lawrence F. Schmeckebier, Congressional Apportionment. Washington: Brookings Institution, 1941.*

elections to be held in November 2002. Under the formula, the population of each state is multiplied by a constant which is mathematically determined to test the priority of each state for an additional seat in the House. The only variable entered into the formula is the population of the states, as reported in the decennial census. Any variation in the population will modify the priority ranking of the states and can cause a state to lose, or fail to gain, an additional seat.

15. My projections for 2000 are based upon the assumption that the apportionment would be made upon these projections for July 1 of that year, when, in fact, the apportionment would actually be made upon the numbers from the April 1, 2000 census. This assumption was necessary because all estimates and projections from the Department are as of July 1 of the subject year.

16. In projections to determine how the Plan for the 2000 census would affect the apportionment of seats in the U.S. House, I assumed that the adjustment factors for 2000 will be substantially similar to the corrected 1990 Post Enumeration Survey ("PES") NUR, as revised in July 1992. These rates reflect a national net undercount of 1.584%.

17. The CAPE Report states the 1990 NUR for all states, and counties and cities over 100,000 population. Using this data, I calculated proportionate shares for each county and state in which the individual plaintiffs reside. The shares calculated for each such county and state represent the following: (1) its percentage of the population of the nation under a traditional enumeration; (2) its percentage of the population of the nation with adjustment under the Department's Plan; (3) the percentage of the population of the state (for counties)

under a traditional enumeration; and (4) the percentage of the state (for counties) with adjustment under the 2000 plan. All these data were calculated on the basis of 1990 data. For each state and county, I calculated the difference in the percentage, under a traditional enumeration and under the Department's Plan.

18. I have denominated the difference between the adjusted and unadjusted populations as the "Shift in Share." The Shift in Share for each state and county forms the basis for my analysis of relative impact of using adjusted data to redistrict congressional and state legislative districts and for the differential allocation of federal and state funding. The Shift in Share predicts the direction and degree of change of the area's proportionate share of a finite resource, such as political representation or funding. Because the amount of federal funding appropriated for grants to states and counties is finite, the Shift in Share provides a means of assessing how a change in the population for any state or county will affect its share of the total resource.

19. I have also calculated a second indicator which predicts the specific impact of adjustment for states and counties. This indicator is denominated as the "Local Differential." The Local Differential is calculated by dividing the Shift in Share by the preadjustment Share. The Shift in Share assesses the relationship between the impact of adjustment on any one state or county with respect to other states or counties. In contrast, the Local Differential assesses the impact of adjustment on the size of the actual resources received by any particular state or county.

20. Thus, the Shift in Share is the absolute difference in the change of a state's or county's position,

and the Local Differential is the relative change in position.

II. Findings

A. Vote Dilution In Federal Elections

21. In determining whether the statistical methodology described in the Plan is substantially likely to affect apportionment of congressional representation and the number of Electors to the Electoral College with respect to the states where Plaintiffs reside, I conclude that, as a result of the Plan, congressional apportionment could change. Specifically, it is a virtual certainty that Indiana will lose a seat, dropping from ten seats under a traditional enumeration to nine under the Department's Plan, while Mississippi would gain a seat, going from four seats under a traditional enumeration to five under the Department's Plan. This is true for both of the Preferred Series of projections for the 2000 population released by the Department.

22. In addition, I have concluded that several other states are substantially likely to lose a seat due to the implementation of the Plan for Census 2000. The formula which is used to apportion the U.S. House seats to the states is the method of equal proportions. By this method, the proportional differences in the number of persons per representative for any pair of states is kept to a minimum. Because of the mathematical exactitude used in this formula, it can be subject to very small changes in population as between any pair of states. The contest for the last seat apportioned under the formula can be decided by only several hundreds of persons. In fact, the difference between the last seat could literally be decided by the addition of one person.

23. Although the NUR reported in the 1990 PES are relatively small, with a national rate of 1.584%, the NUR factors are of sufficient size to effect a shift of at least one seat in the U.S. House of Representatives from one state to another. In fact, if the 1990 NUR, as originally released by the Department in 1991, had been used to apportion representation among the states, the adjustment of the population numbers would have resulted in an entirely different apportionment than one using the corrected NUR, which was released in 1992. Adjusting by the 1992 factors would have caused Wisconsin to lose a seat to California. Under the 1991 factors, Wisconsin and Pennsylvania would have each lost a seat and California and Arizona would have each gained one seat. Clearly, the size of the adjustment to be implemented by the Plan is large enough to alter the apportionment of the U.S. House by at least one seat. Additionally, even if the adjustment does not cause a state to cross the threshold to lose a seat, the impact on its relative position, or rank, with respect to other states is clearly demonstrated.

24. The impact of population adjustment on a state's relative rank is that the rank may drop several positions without crossing the threshold of 435. From a review of the population projections for 2000, I can determine the effect of an adjustment of population numbers on the relative ranking of states for the last seat. Based upon all these projections, the average drop in rank is four positions for Connecticut, Indiana, Missouri, Ohio, and Wisconsin and five positions for Massachusetts, Minnesota, and Pennsylvania.

25. My analysis of multiple runs of the apportionment formula using different population bases indicates that there is a substantial likelihood that the

following states will be the ones to lose a seat if the Plan for the 2000 census is implemented. I base this assessment upon several factors, including the relative ranking of each State for an additional seat and the impact the Department's Plan would have on these ranks. Comparing seat allocations based on the 2000 projected populations under a traditional enumeration with 2000 projected populations under the Department's Plan, the States which stand a substantial likelihood of losing a seat are Connecticut, Massachusetts, Minnesota, Missouri, Pennsylvania, and Wisconsin.

B. Vote Dilution In State And Local Elections

26. I have calculated the Shift in State Share of population for the County plaintiffs and the counties in which individual plaintiffs reside. To the extent that such counties have a negative Shift in Share, these counties will lose state and federal aid, and residents of these counties will have their vote diluted. Use of the population numbers generated by the Department's Plan will result in a dilution of the individual votes of persons residing in U.S. Congressional districts, state Senate districts, and state House of Representatives districts as well as a loss of Federal and state aid for those persons residing in counties where the demographics are not subject to adjustment at the same rate as other counties in the State.

27. The Shifts in Share for states in which plaintiffs reside could change their congressional representation. With respect to the Shifts in Share for states, I calculated the following:

A. *Connecticut*: National Share for the State of Connecticut will decrease from 1.322% to 1.309%, a

Shift in Share of -.013, or a Local Differential of -0.95%.

B. *Illinois*: National Share for the State of Illinois would decrease from 4.596% to 4.568%, a Shift in Share of -.028, or a Local Differential of -0.60%.

C. *Indiana*: Indiana's National Share would decrease from 2.229% to 2.205%, a Shift in Share of -.024, or a Local Differential of -1.09%.

D. *New Jersey*: New Jersey's national share would decrease from 3.108% to 3.076%, a Shift in Share of -.032, or a Local Differential of -1.02%.

E. *Ohio*: Ohio's national share would decrease from 4.361% to 4.322%, a Shift in Share of-.039, or a Local Differential of -0.91%.

F. *Pennsylvania*: Pennsylvania's national share would decrease from 4.777% to 4.715%, a Shift in Share of -.062, or a Local Differential of -1.29%.

G. *Wisconsin*: Wisconsin's national share would decrease from 1.967% to 1.948%, a Shift in Share of -.019, or a Local Differential of -0.98%.

28. Additionally, the individual plaintiffs will be injured by adjustment of population numbers pursuant to the Plan. With respect to the Shifts in Share, I calculated the following:

A. *Maricopa County, Arizona*: State Share will decrease from 57.898% to 57.552%, a Shift in Share of -.346 relative to other counties in the state, and a Local Differential of -.60%. Residents of Maricopa

County are substantially likely to have their vote diluted in state and local elections.

B. *Bergen County, New Jersey*: State Share would decrease from 10.677% to 10.559%, a Shift in Share of -.118 relative to other counties in the state and a Local Differential of -1.11%. In fact, Bergen County is likely to have its population adjusted beneath the Department's initial "100 percent" estimate. Residents of Bergen County are substantially likely to have their vote diluted in state and local elections.

C. *Cumberland County, Pennsylvania*: State Share would decrease from 1.643% to 1.638%, a Shift in Share of -.005 relative to other counties in the state, or a Local Differential of -0.29%. In fact, Cumberland County is likely to have its population adjusted beneath the Department's initial "100 percent" estimate. Residents of Cumberland County are substantially likely to have their vote diluted in state and local elections.

D. *La Salle County, Illinois*: State Share would decrease from 0.935% to 0.928%, a Shift in Share of -.007 relative to other counties in the state, or a Local Differential of -0.77%. Residents of La Salle County are substantially likely to suffer vote dilution in state and local elections.

E. *Orange County, California*: State Share would decrease from 8.100% to 8.045%, a Shift in Share of -.055 relative to other counties in the state, or a Local Differential of -0.68%. Residents of Orange County are substantially likely to suffer vote dilution in state and local elections.

F. *St. Johns County, Florida*: While PES data are unavailable, the percentage which was minority in 1990 was only 12%, therefore, the County's relative state share is substantially likely to place it in a disadvantageous position with respect to other counties in the state which have a larger proportion of minority population. Thus, residents of St. Johns County are substantially likely to suffer vote dilution in state and local elections.

G. *Gallatin County, Montana*: While PES data are unavailable, the percentage which was minority in 1990 was only 4%, therefore the County's relative state share is likely to place it in a disadvantageous position with respect to other counties in the state which have a larger proportion of minority population. Thus, residents of Gallatin County are substantially likely to suffer vote dilution in state and local elections.

H. *Forsyth County, Georgia*: While PES data are unavailable, the percentage which was minority in 1990 was only 1.4%, therefore the County's relative state share is likely to place it in a disadvantageous position with respect to other counties in the state which have a larger proportion of minority population. Thus, it is likely that residents of Forsyth County will suffer vote dilution in state and local elections.

I. *Loudoun County, Virginia*: While PES data are unavailable, the percentage which was minority in 1990 was only 12.4%, therefore the County's relative state share is likely to place it in a disadvantageous position with respect to other counties in the state which have a larger proportion

of minority population. Thus, it is likely that residents of Loudoun County will suffer vote dilution in state and local elections.

C. Loss Of Federal And State Aid

29. The County Plaintiffs will be injured by the Department's Plan. I calculated:

A. *Delaware County, Pennsylvania*: State Share would decrease from 4.609% to 4.574%, a Shift in Share of -.035 relative to other counties in the state, or a Local Differential of -0.77%, the actual reduction of resources for the county resulting from adjustment. For each million dollars of state aid distributed on the basis of population criteria the local loss would be $7,700. National Share would decrease from 0.220197% to 0.215684%, a Shift in Share of -.004513 relative to other counties in the nation, or a Local Differential of -2.05%, the actual reduction of resources for the county resulting from adjustment. For each million dollars of federal aid distributed on the basis of population criteria the local loss would be $20,500. By way of example, Delaware County's Shift in National Share of -.004513 would translate into a loss to the county of $45,130 per billion dollars of aid distributed by the federal government for one year. Delaware County's Local Differential of -2.05% of federal aid, with direct population-based federal aid of $5,768,000 would translate into a loss to the county of $118,000 for one year.

B. *DuPage County, Illinois*: State Share will decrease from 6.838% to 6.799%, a Shift in Share of -.039 relative to other counties in the state, or a Local Differential of -0.57%, the actual reduction of

resources for the county resulting from adjustment. For each million dollars of state aid distributed on the basis of population criteria the local loss would be $570. National Share would decrease from 0.314288% to 0.310611%, a Shift in Share of -.004513 relative to other counties in the nation, or a Local Differential of -1.17%, the actual reduction of resources for the county resulting from adjustment. For each million dollars of federal aid distributed on the basis of population criteria the local loss would be $1,170.

30. The Shift in Share percentages, when translated into dollars received in federal or state aid, can reach a significant sum. Further, when extended out over the entire decade for which the census data will be used to calculate formulae for allocating funds, the significance in the shift is greatly increased.

D. Failure To Timely Apportion

31. As note above, the Department does not intend to conduct a complete traditional enumeration in connection with the implementation of its plan. Rather, it intends to deliberately omit 10% of the population from its actual head count. Thus, after the completion of the Department's Plan, there will not be any population figures based on a complete head count. Thus, federal and state governments will be forced to continue to utilize the population numbers reported in the 1990 census. Given the indisputable fact there is substantial variation in growth rates between counties and states, such continued reliance on the 1990 census result will cause severe malapportionment in federal and state elections and could change the congressional representation of the states in which plaintiffs reside.

32. To illustrate the magnitude of this problem, I have examined population growth for all congressional districts established following the 1980 census by reviewing the population growth for these districts reported in the 1990 census. *See* Commerce News, CB91-182, May 15, 1991. Plaintiffs and counties in states and congressional districts which have experienced higher than average population growth will be harmed by the use of 1990 population numbers to allocate Federal aid to the states and by the use of districting plans that are over a decade old in the 2002 elections. For example, population growth between 1980 and 1990 exhibited a national growth rate of 9.8 percent. However, 158 districts, or 36 percent of the 435 districts had grown at more than national rate. The number of districts which had grown at more than twice the national rate, that is 20 percent or more, was 89 districts, or about 20 percent of the 435 districts. There were 332 districts which experienced a net population gain and a 103 districts which had a net population loss over the decade. Of those losing population, 14 districts lost more than ten percent of their 1980 population over the decade. Of course, the distribution of population growth was uneven. For example in Georgia, which as a state had an 18.6 percent growth rate during the 1980's, nine of the ten districts had a net gain in population. The only district with a net loss of population was the Atlanta district, which lost 1.8 percent over its 1980 population. The range across the nation in the change in the population size of Congressional districts was a negative 23.2 percent at the low end and a high of 86.3 percent. In the 1980s, the fastest growing Congressional district in Georgia increased by about 40.8 percent and the fastest

increasing Congressional district in California grew by about 86.3 percent.

33. Any delay in the implementation of a valid census could change the congressional representation of the state of Georgia. It is virtually certain that Georgia will receive an additional seat in 2000 irrespective of whether apportionment is based on a traditional enumeration of the Department's Plan. To test the strength of this assertion, I held the population for Georgia constant while extending the most current reported population growth rate for all other states, as reported for 1996-1997, to 2000. This test demonstrated that, even if Georgia experienced no additional population growth for the remainder of the decade and all other states continued to grow at the same rate, Georgia would still receive an additional seat in 2000, going from 11 to 12 seats.

34. Similarly, using population estimated data published by the Census Bureau since 1990, one can calculate population increases for the nation as a whole, as well as for states, and for counties, to determine the effect on respective jurisdictions that would be caused by a delay in the collection and dissemination of the 2000 Census data. For example, using 1997 (CO-97-1) Estimates of the Population of Counties, Cobb County, Georgia has already increased by an estimated 23.1 percent, compared to a growth rate for the state of Georgia of about 15.6 percent and a national growth rate of just 7.6 percent. Cobb County was 6.92% of the state of Georgia based upon the 1990 Census (unadjusted). Based upon the latest 1997 county-level estimates from the Department, the county's share of the state has increased to 7.361%, an increase in state share of .449%. Cobb County's national share has also

increased since 1990. Thus, Cobb County will receive additional federal and state aid if a lawful census is conducted in the year 2000. Any delay in the completion of a lawful census will directly harm Cobb County by causing it to receive fewer federal funds than it is entitled to under either a traditional enumeration or the Department's Plan. This injury will be suffered by Cobb County solely by virtue of the Department's failure to conduct a lawful census in a timely manner.

35. In a similar fashion, plaintiffs in Loudoun County, Virginia, and Forsyth County, Georgia, will be adversely affected by any delay in the implementation of a valid census for 2000. Loudoun County, Virginia, has already grown at an estimated 55.0 percent since 1990, more than six times the rate of growth of the state as a whole, which is only 8.8 percent. Loudoun County was 1.392% of the Commonwealth of Virginia based upon the 1990 Census (unadjusted). Based upon the latest 1997 county-level estimates from the Department, the county's share of the state has increased to 1.982%, an increase in State Share of .591. Forsyth County, Georgia, has already grown 71.8 percent since 1990, more than four times as fast as the growth of the state as a whole. Forsyth County was .680% of the state of Georgia based upon the 1990 Census (unadjusted). Based upon the latest 1997 county-level estimates from the Department, the county's share of the state has increased to 1.012%, an increase in State Share of .331.

36. If the population information reported for the 2000 census is invalidated because the methodology used is determined to be unlawful, inaccurate or unconstitutional, the best available population information

remaining would be population numbers reported for the 1990 census. Clearly, the 1990 population numbers for states, counties, and other levels of political geography do not reflect population growth that has occurred in the last decade. Additionally, allocation of federal funding to states, counties, and municipalities cannot be fairly distributed on the basis of current population data. Therefore, until a new census is conducted, the loss of political representation in Congress and in state legislative district levels, as well as inequitable allocation of funding, would result if the 1990 population information was the best available data for allocating federal aid or apportioning representation following the year 2000 and until a new census could be completed.

37. The Department's Plan will not be more accurate than a traditional enumeration. The Riche Report makes this clear. After the mail out returns have been analyzed, the Department will select a random sample of nonresponse households who will be contacted as part of the nonresponse follow-up procedure. This sample will be large enough so that the Department will be able to physically count 90% of the population. The Department's Plan rests on the assumption that it will be able to count every person in the random sample. Thus, utilizing these same techniques for the 10% of the population that was not randomly selected, the Department would be able to count each of these persons if it were willing to devote sufficient resources to conducting an actual head count.

38. The Department has stressed the importance of states and districts as being important benchmarks for analysis of census data. However, as a professional who has been involved as a consultant in reviewing many

redistricting plans for compliance with the requisites of the Voting Rights Act, I can state that the census block is the building block for all districts, just as it is the basic reporting level for the entire census. Those responsible for drawing district lines use these data in assessing the demographic composition of all districts. Redistricting is not a random process and blocks are deliberately chosen because of their demographics. Errors which exist at the census block level will be magnified when aggregated to the level of a federal Congressional district, a state legislative district, a county board district, a city council district, or a local school board district.

III. Conclusions

39. On the basis of the foregoing findings, I conclude the following:

A. It is virtually certain that the state of Indiana will lose a seat in the House of Representatives because of the Department's Plan.

B. It is substantially likely that the state of Connecticut, Massachusetts, Minnesota, Missouri, Pennsylvania, or Wisconsin will lose a seat in the House of Representatives because of the Department's Plan.

C. It is substantially likely that voters in Maricopa County, Arizona, Bergen County, New Jersey, Cumberland County, Pennsylvania, LaSalle County, Illinois, Orange County, California, St. Johns County, Florida, Gallatin County, Montana, Forsyth County, Georgia, and Loudoun County,

Virginia, will suffer vote dilution in state and local elections as a result of the Department's Plan.

D. It is virtually certain that Delaware County, Pennsylvania, and DuPage County, Illinois will receive less federal aid because of the Department's Plan.

E. After the Department's Plan has been implemented, an actual head count of the entire population will not have been conducted. Rather, the Department's Plan will deliberately omit 10% of the population from the actual head count. Thus, after the completion of the Department's Plan, there will be no better information as to the effect of the Plan as compared to an actual head count than is currently available.

F. If the Department's Plan is implemented and it is subsequently invalidated, it will be impossible for the Department or the states to conduct a lawful actual enumeration of the population prior to state and federal elections in 2001 and 2002.

G. Irrespective of whether congressional apportionment is based on the Department's Plan or a traditional enumeration, it is virtually certain that the state of Georgia will receive at least one additional seat in the House of Representatives after the completion of a census in the year 2000. Accordingly, if a lawful census is not completed prior to the 2002 elections, residents of the state of Georgia will suffer vote dilution in the elections for the Members of the House of Representatives solely by virtue of the Department's failure to conduct a census in a lawful and timely manner.

H. Forsyth County, Georgia has grown approximately 71% in population since 1990, as compared to state-wide population growth in Georgia of 15.6% during that time. Loudoun County, Virginia has grown at a rate of 55% since 1990, as compared to state-wide population growth in Virginia of 8.8% during that time. If a lawful census is not completed prior to state-wide elections in Virginia in 2001 and state elections in Georgia in 2002, residents of these counties will suffer vote dilution solely by virtue of the Department's failure to conduct a lawful census in a timely manner.

I. Cobb County, Georgia has grown at a rate of 23.1% since 1990, compared to a growth rate for the state of Georgia of about 15.6% and a national growth rate of 7.6%. If a lawful census is completed in the year 2000, Cobb County will receive an increase in federal funds over the level of aid it currently receives under the 1990 census numbers. Thus, the Department's failure to conduct a lawful census in a timely fashion will cause Cobb County, Georgia to receive fewer federal funds than it would otherwise receive, irrespective of the method used to conduct the census.

State of Pennsylvania:

County of Delaware:

AFFIDAVIT OF THOMAS H. KILLION

Personally appeared before the undersigned officer duly authorized to administer oaths, THOMAS H. KILLION, who, being sworn, deposes and states under oath as follows:

1.

My name is Thomas H. Killion. I am the elected Chairman of the County Council of Delaware County, Pennsylvania. I am competent to make this oath as to the facts contained herein, and all such facts are made upon my personal knowledge.

2.

The following are Delaware County programs funded by federal grants in fiscal year 1998 for which population is a determining factor when calculating the grant award amount:

(A) Direct federal grants to the County

COMMUNITY DEVELOPMENT BLOCK GRANT Pursuant to Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. §5301 et seq.)	4,557,000.
PENNSYLVANIA URBAN COUNTY CONSORTIUM -HOME PROGRAM Pursuant to Home Investment Partnership Act (42 U.S.C. 12701 et.seq.)	1,035,000.

DELAWARE COUNTY EMERGENCY SHELTER GRANT Pursuant to Subtitle B of Title IIV of the Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. 11301, as amended.	176,000.

(B) Indirect federal grants to the County:

TITLE III GRANT Pursuant to the Older Americans Act of 1965, 42 U.S.C.A. §3022-30.	1,094,845.
TITLE V GRANT Pursuant to the Older Americans Act of 1965, 42 U.S.C.A. §3065d.	143,080.
SOCIAL SERVICES BLOCK GRANT Pursuant to the Social Security Act, Subchapter XX 42 U.S.C.A. §1397(a and b)	477,406.
TOTAL FEDERAL FUNDS GRANTED FOR 1998	$7,483,331.

3.

Because grants under the listed federal programs are allocated on the basis of relative population for counties reported in the decennial census, Delaware County will be in danger of receiving a reduced share of funding from these programs if the population of Delaware County is proportionately reduced relative to the populations of other counties in the State of Pennsylvania and nationally, as a result of statistical adjustments made under the Census 2000 Plan.

FURTHER AFFIANT SAYETH NOT.

THIS 1ST DAY OF MAY, 1998

/s/ THOMAS H. KILLION
THOMAS H. KILLION
Chairman of County Council

Sworn to and subscribed
before me this 1st day
of May, 1998

/s/ DENISE M. LATCH
Notarial Seal Notary Public

Denise M. Latch, Notary Public
Media Boro, Delaware County
My Commission Expires Oct. 28, 2000

AFFIDAVIT OF GEORGE KOUBA

Affiant having been duly sworn, state the following:

I am the Director of the Finance Department of DuPage County, Illinois and my duties as the chief financial officer of the County include establishing and processing the financial records of the County.

Based on the review of the records kept by the Finance Department, the following is a Schedule of Grants, current for March 1998 and lists DuPage County programs and total program Budget costs. Some of the grants listed herein include federal and state grants for which the population of the County is a determining factor in the calculation the amount received.

Department Name	Total Program Budget Costs
Home Bound Detention Program 98	$ 50,000
Family Self-Sufficiency 96-97	$ 185,000
Community Alternative Planning Project 2nd Year	$ 122,500
COPS MORE	$ 490,802
Domestic Violence WoodDale	$ 20,000
Local Law Enforcement Block PY97	$ 30,186
IEMA-Hazard Mitigation Program	$8,515,047
IDOT Alcohol Incentive PY97	$ 112,941
B.A.T.T.L.E. 5th Year Funding	$ 372,658
Illinois Clean & Beautiful FY98	$ 8,450
B.A.T.T.L.E. 6th Year Funding	$ 373,083
Welfare to Work	$ 156,232
Violent Crime Victims Assistance Act 97-98	$ 21,699
CSBG Families Building Futures Flexible Fund	$ 75,000

III Home Weatherization Assistance Program	$ 297,946
Low Income Energy Assistance Program PY98	$ 838,035
CSBG FY98	$ 331,268
1998 State Supplemental Energy Assistance	$ 413,104
Welfare to Work Job Advantage	$ 233,622
Twenty Fourth Year Comm. Devel. Block	$9,264,656
7th Year Home Investment Partnership Program	$5,481,949
JTPA, One Stop Career Center Implementation	$ 537,931
JTPA, Title III Natn'l Reserve Flood	$ 249, 976
JTPA, U.I. Profiling Retaining PY97	$ 86,694
JTPA, Central Costs PY97	$ 615,726
JTPA, Title 2A PY97	$ 579,358
JTPA, Title 2C PY97	$ 203,641
JTPA, Title 2O PY97	$ 41,595
JTPA, Title 3A PY97	$1,019,921
JTPA, Title 3G PY97	$ 226,118
JTPA, Central Costs PY98	$ 72,118
JTPA, Summer Youth PY98	$ 606,894
JTPA, Tech Assistance Program	$ 25,000
Case Coordination Unit PY98	$ 824,098
Tenant Based Rental Assistance Program PY96	$ 100,000
Housing Resource Program 23rd Yr.	$ 169,923
ESG-Prevention of Homelessness PY97	$ 32,400
S. Hinsdale NRC Project-DPP	$ 21,880

Supportive Services	$ 124,775
Housing Resources 24th Year	$ 158,291
Title IV-D Program FY98	$ 514,626
Supportive Services FY98	$ 99,000
Victims of Crime Act 96-97	$ 17,813
MJC Drug Prosecution Program FY97	$ 240,884
Sex Offender Probation Program	$ 118,259

3 **Further, Affiant Sayeth Not.**

/s/ GEORGE K. KOUBA
GEORGE KOUBA

Subscribed and sworn to before me
on May 1, 1998

/s/ IRENE A. O'HERN
Notary

"OFFICIAL SEAL"
ARLENE A. O'HERN
Notary Public, State of Illinois
My Commission Expires 08/04/99

STATE OF GEORGIA

COUNTY OF COBB

AFFIDAVIT OF WILLIAM J. BYRNE

Personally appeared before the undersigned officer duly authorized to administer oaths, WILLIAM J. BYRNE, who, being sworn, deposes and states under oath as follows:

1.

My name is William J. Byrne. I am elected Chairman of the Board of Commissioners of Cobb County, Georgia. I am competent to make this oath as to the facts contained herein, and all such facts are made upon my personal knowledge.

2.

The following are Cobb County programs funded by federal grants in fiscal year 1998 for which population is a determining factor when calculating the grant award amount:

(A) Direct federal grants to the County:

COBB & MARIETTA COMMUNITY DEVELOPMENT BLOCK GRANT Pursuant to Title I of the Housing and CommunityDevelopment Act of 1974, as amended (42 U.S.C. §5301 et seq.).	$3,481,000

GEORGIA URBAN COMMUNITY CONSORTIUM-HOME PROGRAM Pursuant to Home Investment Partnerships Act (42 U.S.C. 12701 et. seq.).	3,448,000
COBB EMERGENCY SHELTER GRANT Pursuant to Subtitle B of Title IIV of the Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. 11301, as amended.	112,000

(B) Indirect federal grants to the County:

TITLE III GRANT (THROUGH ATLANTA REGIONAL COMMISSION (ARC)) Pursuant to the Older Americans Act of 1965. 42 U.S.C.A. §3022-30.	316,062
TITLE V GRANT (THROUGH ATLANTA REGIONAL COMMISSION (ARC)) Pursuant to the Older Americans Act of 1965, 42 U.S.C.A. §3056d.	31,099
SOCIAL SERVICES BLOCK GRANT - (THROUGH ATLANTA REGIONAL COMMISSION (ARC)) Pursuant to the Social Security Act, Subchapter XX. 42 U.S.C.A. §1397(a and b).	310,819
TOTAL FEDERAL FUNDS GRANTED FOR 1998	$7,698,980

3.

Because grants under the listed federal programs are allocated on the basis of relative populations for counties reported in the decennial census, Cobb County will be in danger of receiving a reduced share of funding from these programs if the population of Cobb County is proportionately reduced relative to the populations of other counties in the State of Georgia and nationally, as a result of statistical adjustments made under Census 2000 Plan.

FURTHER AFFIANT SAYETH NOT.

THIS 20TH DAY OF APRIL, 1998

/s/ WILLIAM J. BYRNE
WILLIAM J. BYRNE

Sworn to and subscribed
before me this 20th
day of April, 1998.

/s/LYNNE S. PARSON
NOTARY PUBLIC

NOTARY PUBLIC, COBB COUNTY GEORGIA
My Commission Expires December 1, 2001

Cooper, Carvin & Rosenthal
Lawyers
A Professional Limited Liability Company
Suite 401
2000 K Street, N.W.
Washington, D.C. 20006

David H. Thompson (202) 822-8950
(202) 822-8959 Fax (202) 822-8966

May 11, 1998

Michael Sitcov, Esq.
Federal Programs Branch
U.S. Department of Justice
Civil Division
Washington, D.C. 30530

Re: Glavin et al. v. Clinton et al., District Court for the Eastern District of Virginia, Civil Action File No. 98-207-A

Dear Mike:

This letter responds to yours of May 8, 1998, and our telephone conversation of even date regarding the affidavit of Dr. Ronald E. Weber, submitted in support of Plaintiffs' Memorandum in Opposition to Defendants' Motion to Dismiss in the referenced matter. The following is intended to respond to your request for clarification of the methodology used by Dr. Weber in reaching the conclusions stated in his affidavit.

First, you are correct in understanding that, to reach the population projections for each state, Dr. Weber multiplied the "preferred series" population projections for each state for 2000 (as issued by the Bureau in its

PPL-47 report) by the 1992 revised undercount rate for that state, as listed in the CAPE report.[1] You are also correct that Dr. Weber used the 2000 projections from PPL-47 as the basis for his calculations for the population in 2000 when based on a traditional enumeration.

Second, with respect to calculations described in Paragraph 16 of Dr. Weber's affidavit, the National Undercount Rate was not used as a factor in calculating apportionment. As stated in that paragraph, Dr. Weber assumed that the adjustment factors for 2000 are substantially similar to those stated in the 1990 PES, as revised in July 1992. As you are aware, the Bureau has issued multiple releases of the calculations of the Net Undercount Rate for 1990; therefore, the national rate was cited to clarify any existing confusion resulting from these multiple releases.

Finally, Dr. Weber confirms that he used 1990 census data and the revised 1992 PES Net Undercount Rates, and not projections for 2000, in calculating "Shift in Shares" for states and counties.

We trust that the foregoing is responsive to your request for clarification. Please do not hesitate to contact us if you have further questions or if we can

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[1] Technically, a reciprocal factor of the Net Undercount Rate is the adjustment multiplier. Thus, for Connecticut:

1. Projection from PPL-47	3,284,142
2. Net Undercount Rate	0.641
3. Adjustment Multiplier	0.006451
4. Net Adjustment	21,186
5. Total Adjusted Population	3,305,328

provide you with further information regarding the methodology used in the affidavit.

Sincerely,

/s/ DAVID H. THOMPSON
DAVID H. THOMPSON

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Civil Action File No. 98-207-A

(Three-Judge Court)
(HEW, CMH, RAJ)

GLAVIN, ET AL., PLAINTIFFS

v.

CLINTON, ET AL., DEFENDANTS

DECLARATION OF SIGNE I. WETROGAN

I Signe I. Wetrogan declare as follows:

1. I am the Assistant Division Chief for Population Estimates and Projections at the United States Bureau of the Census. I have personal knowledge of all facts stated herein. I am making this declaration in response to the affidavit of Dr. Ronald E. Weber in the above-referenced lawsuit.

2. I obtained my Bachelors Degree in Sociology from the University of Maryland in 1967 and completed work on my Masters Degree in Demography at Georgetown University in 1984. I have been employed by the Census Bureau since 1967 and have worked on population estimates and projections for my entire professional career. I was promoted to my present position, Assistant Division Chief for Population Estimates and Projections, in September, 1997. A copy of my CV, listing my professional articles and affiliations, is attached as Exhibit 1.

3. Dr. Weber's conclusions with regard to the effects of using sampling in Census 2000 rest on two incorrect assumptions: First, Dr. Weber assumes that the Census Bureau's 2000 projections as published in PPL-47 exactly predict the size and distribution of the population in the year 2000. Second, Dr. Weber assumes that the net undercount rate will be the same on a state-by-state basis in 2000 as it was in 1990. My colleague in the Decennial Division, John Thompson, will address the second assumption in his declaration, the assumption that one can confidently predict the results of a sampling versus a non-sampling census in 2000. I address Dr. Weber's first assumption herein, the assumption that the Census Bureau has exactly predicted the size and distribution of the population in 2000. Not only has the Census Bureau not exactly predicted these numbers, but I conclude that no one can predict the state-by-state population of the United States as of April 1, 2000 with the exactitude required by the Method of Equal Proportions.

An Explanation of Estimates and Projections

4. As background, let me provide a basic explanation of how the Population Division of the Census Bureau prepares both estimates and projections of the population. The difference between an estimate and a projection is that an estimate refers to the past, while a projection refers to the future. Estimates use a variety of existing sources to come to a reasoned conclusion about the population of a given governmental unit at some specified point in the past, while population projections make assumptions about which demographic trends will continue in the future. Our popula-

tion estimates are built with administrative records; they are based on birth and death records, and tax return data, among other sources. Projections use the latest available national and state estimates as the starting point, and then project the population in the future based on assumptions about fertility, mortality and internal and international migration trends.

5. The Census Bureau prepares annual population estimates by age, sex, race, and Hispanic origin for the nation, states, and counties in the United States. Every other year we prepare population estimates for the sub-county level, for all functioning governmental units. The population estimates which we released in March, 1998 are the most recent population estimates down to the county level as of July 1, 1997.

6. The Census Bureau prepares projections of the national and state populations on a periodic but irregular basis. We have published state population projections through the year 2025. The Bureau does not update its published projections every year after releasing updated estimates. Dr. Weber relied upon our most recent published population projections contained in the publication PPL-47, which was released in October, 1996.

7. The data set on which Dr. Weber premises his work, PPL-47, contains three sets of state projections, the preferred or "A" series used by Dr. Weber, and the "B" and "C" series. The "A" series is based on a time series model of state-to-state migration while the "B" series is based on employment projections. The "C" series lists population projections prepared by individual states. While the specifics vary, the Census Bureau generally follows this format and publishes a variety of

different series of population projections in one publication. The Bureau began to identify one of those series as preferred in 1994 in order to provide more guidance to naive users. Sophisticated users of Census Bureau data will typically use a variety of population projections, depending on the use of data; unsophisticated users are aided by being pointed to a preferred series.

8. PPL-47 is replete with disclaimers and explanations as to the number and variability of assumptions involved in population projections. The Census Bureau describes the preferred series thusly:

> Users are likely to choose the demographic series—the time series—due to the series stability, long-term inertia, and no need for economic assumptions. However, there is no definitive set of projections and the economic model is an alternative. Given the sensitivity of internal migration to changes in economic conditions, internal migration changes can be rapid and sizable. Identifying a preferred series along with an alternative series, reflects a process of evaluating State population projection models used in previous Census Bureau State population projections. (P.6)

Even two years ago, when PPL-47 was published, there were a number of alternative, equally valid ways that the Census Bureau could have predicted state population totals for 2000.

Dr. Weber Used Outdated Data

9. The most obvious problem with Dr. Weber's conclusions is that the data he used, the data in PPL-47, is outdated. PPL-47 was published in 1996 and is based on the Census Bureau's July 1, 1994 estimates. To prepare better projections of the state population in the

year 2000, he should have factored in the 1997 estimates, thus incorporating three additional years of data. Dr. Weber based his projection of a non-sampling census on data available through 1994, totally ignoring significant information on births, deaths, and internal and external migration during the 1994-1997 time period. Many statisticians outside the Census Bureau can and do use the yearly estimates to prepare population projections, using the most recent available data.

10. Had Dr. Weber incorporated the 1997 estimates into his projections he would have produced very different results. Significant population shifts among states occurred in the 1994-1997 time period that would have significantly changed Dr. Weber's projections. Some of the significant changes overlooked by Dr. Weber in the 1994-1997 time period include a sizeable increase in California's population, as that State pulled out of an economic downturn, and the shift in population trends in the New England states.

No One Can Predict Now the Exact Population on April 1, 2000

11. By saying that Dr. Weber used outdated and incomplete information to prepare his projections I do not mean to imply that there **are** numbers that Dr. Weber or anyone else could have used to prepare exact projections for the year 2000. The most important point I wish to make in this Declaration is that projections are inherently imprecise and subject to change. Projections are useful planning tools but they are not exact. As discussed above, significant population change occurred in the 1994-1997 time period. These trends could continue at the same rate in the 1997-2000 time period, they could halt, or they could accelerate. Wholly different migration trends could develop. The Census

Bureau prepares projections for planning purposes but it cannot predict exact population totals.

12. The Census Bureau's published population projections are used for a number of different purposes by a number of different entities. To mention only a few of the uses, the data are used in economic planning, capital infrastructure planning and social services planning. In planning where to locate a road or a hospital, or whether to stem an out-migration trend by increasing tax incentives to businesses, exact numbers are not needed. A state which wishes to stem out-migration doesn't need to know whether 300,000 or only 200,000 persons moved out of the state in the past five years. The method of equal proportions, in contrast, requires exact numbers. The formula is very sensitive and, as Dr. Weber notes, a difference of even a single person can move a House seat from one state to another. (Weber Affidavit, para. 22) No one can predict state populations three years from now with the exactitude required by the method of equal proportions.

Indiana is not "Virtually Certain" to Lose a Seat If Sampling is Used

13. Dr. Weber's statement that "it is a virtual certainty that Indiana will lose a seat" under a sampling plan is of dubious credibility (Weber Affidavit, para. 21). As explained earlier, I do not feel anyone can predict the 2000 state populations exactly at this time. However, we do know that we now estimate Indiana's population for 1997 to have been significantly below our projection for 1997 in PPL-47. We have produced eight different projections of Indiana's population in 2000 using the assumptions described on Exhibit 2 hereto. In each of these eight projections Indiana's population total would be at least 42,000 people less than was

projected in PPL-47. Given the sensitivity of the Method of Equal Proportions, a population difference of this magnitude could be more than sufficient to move a state from just below the breakpoint for the 435th seat to just above it. These numbers are projections that do not take into account the effects of using sampling in Census 2000 and reflect only the shift in relative population since the 1994 information used by Dr. Weber.

An Illustration—Looking at 1990 Based on 1988 Projections

14. To illustrate the volatile nature of population growth and the limitations of population projections, one need only look at the experience in the last decennial. Just as we are now two years before the next decennial, one can examine whether the 1988 projections would have accurately predicted the 2000 apportionment results. I have examined the state population projections that the Census Bureau released in October, 1988. These projections (Current Population Reports, Series P-25, No. 1017) were based on population estimates as of July 1, 1986. The 1988 projections, when compared to the 1990 actuality, show two states in particular having extraordinary population discrepancies. Texas was counted as having 725,665 fewer individuals in 2000 than had been projected and California was counted as having 659,857 more individuals. Without a doubt these differences are large enough to move House seats. Note that these projections were made two years closer to the census year than the projections on which Dr. Weber relied. Just as the 1988 projections did not accurately predict apportionment in the 1990 census, neither can the currently available numbers be used to predict apportionment after the

2000 census. I declare under penalty of perjury that the foregoing is true and correct.

May 22, 1998 /s/ SIGNE I. WETROGAN
DATE SIGNE I. WETROGAN
Assistant Division Chief
for Population
Estimates and Projections
United States Bureau
of the Census

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Civil Action File No. 98-207-A

(Three-Judge Court)
(HEW, CMH, RAJ)

GLAVIN, ET AL., PLAINTIFFS

v.

CLINTON, ET AL., DEFENDANTS

DECLARATION OF JOHN H. THOMPSON

I John H. Thompson declare as follows:

1. I am the Associate Director for the Decennial Census at the United States Bureau of the Census. I have personal knowledge of all facts stated herein. I am making this declaration in response to the affidavit of Dr. Ronald E. Weber in the above-referenced lawsuit.

2. I obtained my Bachelors degree in Mathematics from Virginia Polytechnic Institute and State University in 1973 and my Masters Degree in Mathematics from the same institution in 1975. Additionally, I have completed extensive post-graduate course work in statistics at George Washington University. I am currently the Associate Director for the Decennial Census and as such am the primary Census Bureau employee in charge of activities relating to the planning for and conduct of Census 2000. I have been continuously employed by the Census Bureau since 1975 and have

worked in the decennial area since coming to work for the Census Bureau.

3. Dr. Weber's conclusions with regard to the effects of using sampling in Census 2000 rest on two assumptions: Dr. Weber assumes that the Census Bureau's 2000 projections, as published in PPL-47, exactly predict the size and distribution of the population in the year 2000, and he assumes that the effect of the Integrated Coverage Measurement (ICM) operation on the count in 2000 will exactly equal the 1990 Post Enumeration Survey (PES) undercount rates. My colleague in the Population Division, Signe Wetrogan, will address the first assumption in her declaration. I will address Dr. Weber's second assumption regarding the use of the 1990 Net Undercount Rate (NUR). Briefly, Dr. Weber's assumption that the state NURs will be replicated in 2000 is unsupportable.

4. Dr. Weber compares the 1990 Census with the 1990 Census PES data and uses this comparison as a basis for comparing the effect of the Census Bureau's plan for Census 2000 with a non-sampling census. This comparison is invalid because all Census Bureau plans for Census 2000, sampling and non-sampling, differ from the 1990 Census in the important ways discussed below. These differences will result in different NURs.

A non-sampling census in 2000 will not have the same degree of accuracy as the 1990 Census.

5. Dr. Weber incorrectly assumes that a non-sampling census in 2000 would look exactly like the 1990 Census. The Departments of Commerce, Justice, State, the Judiciary and Related Agencies Appropriation Act, 1998, directed the Census Bureau to "become prepared to implement a 2000 decennial census, without using

statistical methods, which shall result in the percentage of the total population actually enumerated being as close to 100 percent as possible." Pub. L. No. 105-119, § 209(j), 111 Stat. 2440, 2480-87.

6. In accordance with this direction, the Secretary of Commerce submitted to Congress in April, 1998 the "Status Report on Planning for a Decennial Census in Year 2000 without the use of Scientific Sampling". The Bureau is continuing to work on its alternative plan, a plan that will be different from the 1990 Census and that will be designed to achieve accuracy above 1990 levels. The Census Bureau will attempt in the alternative plan to correct 1990 methods that were subject to error and to introduce new methods that will increase accuracy. These efforts are described in the *Status Report.*

A sampling Census 2000 will not have the same accuracy as the 1990 Census, as adjusted with the PES.

7. There are a number of important differences between the Census Bureau's plan for Census 2000 and the 1990 Census, as adjusted by the PES. These differences are certain to result in different NURs because basic census design decisions affect the undercount rate. The Census Bureau set about re-engineering the decennial in the aftermath of the 1990 Census. The result of this re-engineering is a plan for Census 2000 which incorporates many innovations to increase response rates, promote awareness, reduce costs, and improve accuracy. This Plan includes the use of statistical sampling. Because the plan for Census 2000 differs from the 1990 Census in important aspects, one cannot simply assume that the 1990 data, adjusted or otherwise, will reflect the state of affairs in 2000.

8. I discuss below in paragraphs A-D four of the most important basic design decisions that will result in different NURs in 2000:

A. Master Address File. The Master Address File, or MAF, will be formed in a completely different fashion in 2000 than it was in 1990. In 1990 the Census Bureau created its address list, the basis for the mail-out, mail-back campaign, with purchased commercial address lists. Legislation passed after the 1990 census has permitted the Census Bureau to use the United States Postal Service address list as the basis for the MAF in Census 2000. A number of other improvements have been made to the MAF development process, none of which were used in 1990.

B. Paid Advertising. The Census Bureau has entered into a $100 million contract with an outside advertising agency to publicize the census and to encourage people to respond. Census 2000 will be the first decennial census to use paid advertising, to "blanket" the Nation with the message that it is important to send in your census questionnaire.

C. Multiple Ways to Respond. Unlike the 1990 Census, Census 2000 will offer multiple opportunities to respond. The Census Bureau has developed unduplication technology that will allow it, for the first time, to permit multiple methods of responding to the census. In 2000 the Census Bureau will establish Telephone Questionnaire Assis-

tance ("TQA") centers, where respondents can call the center and obtain help in filling out their form and respond by telephone if they so desire. Finally, the Be Counted campaign will make questionnaires available in public locations. In addition, the Census Bureau has developed a multiple mail strategy and has researched and developed a simplified and respondent-friendly questionnaire.

D. Coverage Improvement Programs. Finally, the Census Bureau has replaced the costly and error prone 1990 coverage improvement programs with the ICM. A variety of coverage improvement programs were used in 1990 to attempt to find and enumerate persons missed by previous activities. These programs were implemented after completion of non-response follow up. These programs included an additional follow-up for housing units initially believed to be vacant or non-existent, a follow-up of questionnaires that contained indications that not all individuals in the household were included and a special records check for parolees and probationers.

9. The methodologies discussed in A-D above will all affect accuracy in Census 2000. These changes in basic methodology, when used in conjunction with statistical sampling, will result in different NURs in 2000 than in 1990.

Because the non-sampling plan is not final, one cannot predict the resulting NURs.

10. Dr. Weber's assumption that it is reasonable to use the 1990 NURs to predict 2000 undercounts is further questionable because the Census Bureau's non-sampling plan is still in basic stages of development. It is sheer speculation to predict the resulting NUR of a plan that has yet to be finalized. The Secretary reported to Congress on the Census Bureau's progress in preparing for a non-sampling census in the *Status Report*. As described in that report, major design decisions for the non-sampling alternative remain to be made. Until these major design decisions are made, one cannot even begin to predict error in Census 2000. Additionally, while the basic structure of the plan for Census 2000 is in place, and is described in the *Report to Congress*, some details of the plan may be modified after the results of the on-going Dress Rehearsal are reviewed.

Dr. Weber Ignores PES Sampling Error.

11. As Dr. Weber correctly states, the 1990 Post Enumeration Survey, or PES, was a post census survey that estimated the undercount rate for the 1990 census. The Census Bureau believes that all decennial censuses thus far have undercounted the population. The PES quantified this undercount by using an established statistical method called Dual System Estimation. The 1990 PES estimates are, in fact, the best evidence at the sub-national level of the undercount in the 1990 Census. Like all survey estimates, however, the PES estimates have associated sampling error, otherwise known as standard error. Standard errors are measures of sampling error and are used to quantify the confidence interval about an estimate. A confidence

interval tells you in statistical terms how far an estimate could be from the truth.

12. Contrary to standard accepted statistical practice, Dr. Weber, has ignored the standard error associated with each state's NUR. I will illustrate, using the State of Indiana, which Dr. Weber erroneously states is "virtually certain" to lose a seat under the plan for Census 2000 (Weber Affidavit, para. 21). Indiana's 1990 NUR was 0.504% and its standard error was 0.399. This means that one can say with 90% confidence that Indiana's true undercount in 1990 was between -0.152% and 1.160%. (A 90% confidence interval is constructed by multiplying the standard error by 1.645 and then adding and subtracting the resulting number to the point estimate.) Dr. Weber, however, has not accounted for this range, focusing inappropriately on a single point estimate. Standard statistical practice would have accounted for sampling error in preparing such a projection. This would have indicated a much greater degree of uncertainty about the effects of sampling than his estimates suggest.

The Census Bureau Uses the 1990 NURs Properly

13. Dr. Weber correctly points out in his affidavit that the Census Bureau itself has used the 1990 PES data in planning for Census 2000. These data are descriptive of the problems with the 1990 enumeration and thus are important planning tools. The Census Bureau used the 1990 NUR to help it estimate expected error rates for Census 2000. These error projections are used to make conservative estimates of the national NUR, and are used in the form of averages or ranges, not fixed numbers. Dr. Weber, in contrast, is using the 1990 PES data to predict apportionment in 2000 by running the method of equal proportions. The

sensitivity of the method of equal proportions to small changes in relative population share between states is well known and is acknowledged by Dr. Weber himself, who states that "the last seat could literally be decided by the addition of one person". (Weber Affidavit, para. 22) Using the 1990 PES data to prepare conservative estimates is far different from using the numbers in a sensitive formula like the method of equal proportions.

Dr. Weber's Affidavit Contains a Number of Inaccuracies

14. Dr. Weber makes a number of inaccurate assertions in his affidavit. I will list the major inaccuracies below:

— Dr. Weber asserts that Census 2000 will be less accurate using the Bureau's plan than it would be were a traditional enumeration conducted. (Weber Affidavit, para. 37) This is not true. The Census Bureau has estimated that it can improve accuracy at the state level, the important level for Congressional apportionment, from 1.9% undercount to 0.5% error. *Report to Congress*, p. 44-45.

— Dr. Weber asserts that the Census Bureau could count 100% of the population were it "willing to devote sufficient resources". (Weber Affidavit, para. 37) The Census Bureau agrees with expert commentators who have concluded that traditional census-taking methods have never lead to a complete count and are increasingly unlikely to do so in the future. *See, Report to Congress*, p 5-6 and *Modernizing the U.S.*

Census, National Academy of Sciences, (1995) at 3 ("It is fruitless to continue trying to count every last person with traditional census methods of physical enumeration."). Additionally, both the Census Bureau and its outside observers are seriously concerned about the Bureau's ability to recruit, hire and train sufficient enumerators to conduct 100% nonresponse follow-up.

— Dr. Weber's statement that "errors which exist at the census block level will be magnified when aggregated to the level of a federal Congressional district" (Weber Affidavit, para. 38) is egregiously wrong. Elementary statistics teaches that a larger sample size will yield a smaller sampling error. While sampling error may be high at the block level under the plan for Census 2000, that error will drop dramatically once blocks are aggregated together to form any sort of meaningful representational unit. On the other hand, systematic bias (non-sampling error), as measured by the 1990 undercount, will not diminish as smaller areas are aggregated to larger ones.

— The Census Bureau is not going to "deliberately exclude 10% of the population". (Weber Affidavit, para. 9) As explained in the *Report to Congress*, pp. 26-29, the Census Bureau will go to extraordinary lengths to elicit voluntary responses from 100% of the population and sampling will be used only

to complete the nonresponse follow-up operation and as a quality check.

Dr. Weber's projections ignore overseas Americans.

15. My final contention with Dr. Weber's work is that Dr. Weber has failed to take into account overseas Americans in making his 2000 projections. The Census Bureau's population projections and estimates do not take the overseas Americans into account because this data was included only for apportionment purposes. The data on overseas Americans is public, however, and any statistician could have included it in his or her projections. Dr. Weber failed to do so. The history of the count of overseas Americans makes clear that a decision to include overseas Americans can and does affect apportionment. The Census Bureau included Department of Defense overseas employees in the official 1990 count based on their "home of record." This decision added an additional 922,819 individuals to the official count, shifted a seat from Massachusetts to Washington and culminated in a Supreme Court decision upholding the inclusion of overseas Americans. *Franklin v. Massachusetts*, 505 U.S. 788 (1992). The Census Bureau has recently decided that it will include overseas Americans again in the 2000 count. Clearly, overseas Americans have the potential to shift seats and a prediction that fails to take these individuals into account is not reliable.

I declare under penalty of perjury that the foregoing is true and correct.

5/22/98 /s/ JOHN H. THOMPSON
DATE JOHN H. THOMPSON
Associate Director
for Decennial Census

ASSESSMENT OF ACCURACY OF ADJUSTED VERSUS UNADJUSTED 1990 CENSUS BASE FOR USE IN INTERCENSAL ESTIMATES

REPORT OF THE COMMITTEE ON ADJUSTMENT OF POSTCENSAL ESTIMATES
BUREAU OF THE CENSUS
DEPARTMENT OF COMMERCE
AUGUST 7, 1992

RECOMMENDATION

* * * * *

ATTACHMENT 3A: PES ESTIMATES OF UNDERCOUNT BY RACE AND SEX
JULY, 1992

able 1 Table of PES Estimates for Selected Race/Origin/Sex Groups

		JULY, 1991 Original PES		JANUARY, 1992 Revised PES		JULY, 1992 357 PES	
Race/Hispanic/Sex	Census	Estimate	Std. Error	Estimate	Std. Error	Estimate	Std. Error
Total	248709873	253979141	472946.472	252959473	461310.829	252712821	689734.395
Male	121239418	124249093	345445.426	123648997	238663.637	123623143	273518.304
Female	127470455	129730048	246737.086	129310476	241383.831	129089678	254912.175
Black	29986060	31505838	95339.460	31295058	93435.743	31377094	167925.028
Male	14170151	14974382	49052.934	14857391	47952.832	14900868	82912.806
Female	15815909	16531456	52914.183	16437667	51898.230	16476225	94609.126
Non-Black	218723813	222473303	424675.175	221664415	414933.642	221335728	453076.281
Male	107069267	109276711	222153.799	108791604	216160.510	108722274	249791.220
Female	111654546	113198592	220800.163	112672809	216539.374	112613453	239423.186
Asian or Pacific Islander	7273662	7504906	36264.289	7485602	35197.768	7447371	102828.516
Male	3558038	3688436	19879.800	3674532	19946.424	3684895	60817.829
Female	3715624	3816470	18469.115	3811069	18435.209	3762476	57240.421
American Indian	1878285	1976890	21726.014	1970537	21588.870	2051976	26259.820
Male	926056	980874	11312.232	977738	11302.066	1020059	13248.050
Female	952229	996016	10612.782	992799	10467.531	1031917	13252.678
Hispanic	22354059	23590274	103458.969	23471101	102033.676	23521183	180090.423
Male	11388059	12086513	57498.441	12008888	56356.003	12052241	114778.144
Female	10966000	11503761	52275.143	11462214	52082.441	11468942	84750.443

Table 2 Table of Undercount Rates for Selected Race/Origin/Sex Groups

		Original PES		Revised PES		357 PES	
Race/Hispanic/Sex	Census	UC Rt	SE(UC Rt)	UC Rt	SE(UC Rt)	UC Rt	SE(UC Rt)
Total	248709873	2.075	0.182	1.680	0.179	1.584	0.191
Male	121239418	2.422	0.193	1.949	0.189	1.928	0.217
Female	127470455	1.742	0.187	1.423	0.184	1.254	0.195
Black	29986060	4.824	0.289	4.183	0.287	4.433	0.511
Male	14170151	5.371	0.310	4.626	0.308	4.904	0.529
Female	15815909	4.328	0.306	3.783	0.304	4.008	0.563
Non-Black	218723813	1.685	0.188	1.327	0.185	1.180	0.202
Male	107069267	2.018	0.199	1.583	0.196	1.520	0.226
Female	111654546	1.364	0.192	1.079	0.190	0.852	0.211
Asian or Pacific Islander	7273662	3.081	0.468	2.831	0.469	2.332	1.369
Male	3558038	3.535	0.520	3.170	0.526	3.443	1.594
Female	3715624	2.642	0.471	2.504	0.472	1.245	1.502
American Indian	1878285	4.988	1.044	4.682	1.044	4.520	1.222
Male	926056	5.589	1.089	5.356	1.095	5.183	1.231
Female	952229	4.396	1.019	4.086	1.011	3.884	1.235
Hispanic	22354059	5.340	0.436	4.759	0.434	4.962	0.728
Male	11388059	5.779	0.448	5.170	0.445	5.511	0.900
Female	10966000	4.875	0.433	4.329	0.435	4.385	0.707

Note: Due to the nature of the data used to compute these counts for the 357 poststrata PES design, the American Indian counts in both Table 1 and Table 2 above include Eskimos and Aleuts for the 357 PES. The census count used for this group was 1,959,234. The census counts used to compute the original PES counts and the revised PES counts are shown in the tables.

ATTACHMENT 3B: REVISED PES ESTIMATES OF UNDERCOUNT BY AGE-RACE-SEX
JULY, 1992

Table 1 PES Estimates for Selected Race/Origin/Sex Groups for the 0 to 17 Age Group
(357 Poststrata PES Design)

		JULY, 1992			
Race/Origin/Sex Group	Census	357 PES Estimate	Std. Error	Undercount Rate	Standard Error
Total	63604432	65695382	191195.568	3.183	0.282
Male	32584278	33649795	97745.288	3.166	0.281
Female	31020154	32045587	93459.542	3.200	0.282
Black	9584415	10311019	95917.245	7.047	0.845
Male	4849497	5215800	48390.736	7.023	0.863
Female	4734918	5095218	47527.287	7.071	0.867
Non-Black	54020017	55384343	172067.616	2.463	0.303
Male	27734781	28433994	88325.776	2.459	0.303
Female	26285236	26950349	83724.989	2.468	0.303
Asian or Pacific Islander	2083387	2152880	46537.029	3.228	2.092
Male	1063264	1099038	23792.412	3.255	2.094
Female	1020123	1053842	22745.817	3.200	2.089
American Indian, Eskimo, or Aleut	694967	742996	12481.466	6.195	1.376
Male	354875	378205	6315.004	6.169	1.367
Female	342092	364791	6166.491	6.222	1.385
Hispanic	7757500	8166834	77292.661	4.989	0.899
Male	3971164	4179630	39551.088	4.988	0.899
Female	3786336	3985204	37742.086	4.990	0.900

Table 2 PES Estimates for Selected Race/Origin/Sex Groups for the 18 to 29 Age Group
(357 Poststrata PES Design)

		JULY, 1992			
Race/Origin/Sex Group	Census	357 PES Estimate	Std. Error	Undercount Rate	Standard Error
Total	48058811	49538134	192936.681	2.987	0.378
Male	24312055	25105214	129869.843	3.159	0.501
Female	23738756	24424918	113605.766	2.809	0.452
Black	6419397	6727151	60784.870	4.575	0.842
Male	3110320	3225832	38478.198	3.581	1.150
Female	3309077	3501319	41388.086	5.491	1.117
Non-Black	41631414	42802983	174778.637	2.737	0.397
Male	21201735	21879384	121313.350	3.097	0.537
Female	20429679	20923599	102738.356	2.361	0.479
Asian or Pacific Islander	1581231	1686549	47226.618	6.243	2.625
Male	802967	893983	35821.446	10.282	3.995
Female	778264	792566	31415.861	1.691	3.897
American Indian, Eskimo, or Aleut	414071	441408	7298.043	6.193	1.551
Male	210263	224725	4083.008	6.435	1.700
Female	203808	216683	3782.708	5.942	1.642
Hispanic	5525130	5903999	83906.191	6.417	1.330
Male	2984897	3207779	67903.944	6.948	1.970
Female	2540233	2696220	31412.026	5.785	1.098

ATTACHMENT 3B: REVISED PES ESTIMATES OF UNDERCOUNT BY AGE-RACE-SEX
JULY, 1992

Table 3 PES Estimates for Selected Race/Origin/Sex Groups for the 30 to 49 Age Group
(357 Poststrata PES Design)

July, 1992

Race/Origin/Sex Group	Census	357 PES Estimate	Std. Error	Undercount Rate	Standard Error
Total	73314363	76327349	178380.748	1.363	0.237
Male	36281757	36965692	114336.225	1.850	0.304
Female	37032606	37361657	94874.030	0.881	0.252
Black	8300318	8705762	57437.333	4.657	0.629
Male	3841762	4099633	38014.164	6.290	0.869
Female	4458556	4606129	31219.727	3.204	0.636
Non-Black	65014045	65621588	168451.681	0.926	0.254
Male	32439995	32866059	106016.209	1.296	0.318
Female	32574050	32755528	90532.426	0.554	0.273
Asian or Pacific Islander	2373785	2396349	35297.864	0.942	1.459
Male	1128527	1127367	23875.089	-0.085	2.119
Female	1245258	1268782	19001.048	1.854	1.470
American Indian, Eskimo, or Aleut	543821	560400	5746.845	2.958	0.995
Male	263525	276134	2812.700	4.566	0.972
Female	280296	284366	3232.422	1.397	1.121
Hispanic	5961207	6271153	61500.742	4.942	0.932
Male	3029043	3225477	40130.964	6.090	1.168
Female	2932164	3045676	33430.513	3.727	1.057

Table 4 PES Estimates for Selected Race/Origin/Sex Groups for the 50 and Older Age Group
(357 Poststrata PES Design)

July, 1992

Race/Origin/Sex Group	Census	357 PES Estimate	Std. Error	Undercount Rate	Standard Error
Total	63740267	63159956	164191.819	-0.919	0.262
Male	28061328	27902440	91400.020	-0.569	0.329
Female	35678939	35257516	98575.330	-1.195	0.283
Black	5681930	5633162	34874.194	-0.866	0.624
Male	2368572	2359603	22227.003	-0.380	0.946
Female	3313358	3273559	19516.989	-1.216	0.603
Non-Black	58058337	57526794	159823.396	-0.924	0.280
Male	25692756	25542837	89232.535	-0.587	0.351
Female	32365581	31983957	96067.229	-1.193	0.304
Asian or Pacific Islander	1235259	1211593	20586.691	-1.953	1.732
Male	564180	564307	7192.919	0.023	1.274
Female	671079	647286	18017.833	-3.676	2.886
American Indian, Eskimo, or Aleut	304375	307172	3091.413	0.911	0.907
Male	138523	140996	1832.019	1.754	1.277
Female	165852	166176	1554.022	0.195	0.933
Hispanic	3110222	3181198	45726.253	2.231	1.405
Male	1402955	1439356	27996.289	2.529	1.896
Female	1707267	1741842	32679.612	1.985	1.839

ATTACHMENT 4:

JULY, 1992

State Level Estimates and Estimated Undercount Rates

State	1990 Census	Original PES July 1991 Estimate	UC Rt	SE(UCRt)	357 PES July 1992 Estimate	UC Rt	SE(UCRt)
01 Alabama	4040587	4146133	2.546	0.383	4113119	1.763	0.316
02 Alaska	550043	560727	1.905	0.437	561253	1.998	0.364
04 Arizona	3665228	3790186	3.297	0.466	3754297	2.373	0.455
05 Arkansas	2350725	2402925	2.172	0.417	2392291	1.738	0.337
06 California	29760021	30886075	3.652	0.420	30594537	2.728	0.379
08 Colorado	3294394	3376099	2.420	0.470	3363357	2.050	0.383
09 Connecticut	3287116	3305458	0.561	0.556	3308309	0.641	0.406
10 Delaware	666168	686661	2.984	0.437	678372	1.799	0.377
11 District of Columbia	606900	638747	4.986	0.517	628309	3.407	0.901
12 Florida	12937926	13277708	2.559	0.384	13196855	1.962	0.390
13 Georgia	6478216	6632561	2.327	0.368	6618829	2.124	0.331
15 Hawaii	1108229	1136417	2.480	0.337	1129162	1.854	0.808
16 Idaho	1006749	1035271	2.755	0.501	1029213	2.183	0.434
17 Illinois	11430602	11592305	1.395	0.352	11544433	0.986	0.358
18 Indiana	5544159	5585918	0.748	0.370	5572239	0.506	0.399
19 Iowa	2776755	2807238	1.086	0.455	2788378	0.417	0.404
20 Kansas	2477574	2506427	1.151	0.353	2494762	0.689	0.350
21 Kentucky	3685296	3767824	2.190	0.418	3745662	1.612	0.370
22 Louisiana	4219973	4332297	2.595	0.366	4313516	2.169	0.339
23 Maine	1227928	1240076	0.980	0.611	1237126	0.743	0.562
24 Maryland	4781468	4868990	1.798	0.444	4882324	2.066	0.418
25 Massachusetts	6016425	6039315	0.379	0.548	6045161	0.475	0.485
26 Michigan	9295297	9403964	1.156	0.368	9361331	0.705	0.371
27 Minnesota	4375099	4419180	0.998	0.355	4394680	0.446	0.380
28 Mississippi	2573216	2632412	2.249	0.397	2628899	2.118	0.434
29 Missouri	5117073	5184411	1.299	0.352	5149052	0.621	0.363
30 Montana	799065	822092	2.801	0.514	818305	2.351	0.492
31 Nebraska	1578385	1594894	1.035	0.380	1586698	0.649	0.366
32 Nevada	1201833	1231620	2.419	0.469	1230675	2.344	0.383
33 New Hampshire	1109252	1115972	0.602	0.530	1118610	0.837	0.544
34 New Jersey	7730188	7836174	1.353	0.498	7774411	0.569	0.612
35 New Mexico	1515069	1586489	4.502	0.514	1563123	3.074	0.505
36 New York	17990455	18304414	1.715	0.451	18261955	1.487	0.581
37 North Carolina	6628637	6814693	2.730	0.363	6753175	1.844	0.347
38 North Dakota	638800	647837	1.395	0.463	643042	0.660	0.502
39 Ohio	10847115	10933439	0.790	0.354	10921925	0.683	0.360
40 Oklahoma	3145585	3213646	2.118	0.386	3202730	1.784	0.338
41 Oregon	2842321	2898058	1.923	0.445	2896147	1.859	0.401
42 Pennsylvania	11881643	11956891	0.629	0.477	11916630	0.294	0.483
44 Rhode Island	1003464	1006158	0.267	0.556	1004811	0.134	0.590
45 South Carolina	3486703	3589808	2.872	0.407	3558918	2.029	0.362
46 South Dakota	696004	706954	1.549	0.494	702878	0.978	0.548
47 Tennessee	4877185	5012173	2.693	0.386	4963686	1.743	0.344
48 Texas	16986510	17550747	3.215	0.378	17469248	2.763	0.395
49 Utah	1722850	1757423	1.967	0.537	1753121	1.727	0.497
50 Vermont	562758	570651	1.383	0.709	569991	1.113	0.765
51 Virginia	6187358	6352705	2.603	0.351	6313620	2.000	0.353
53 Washington	4866692	4986607	2.405	0.433	4957987	1.841	0.437
54 West Virginia	1793477	1842267	2.648	0.436	1819004	1.403	0.430
55 Wisconsin	4891769	4923844	0.651	0.369	4921997	0.616	0.397
56 Wyoming	453588	466067	2.678	0.481	463569	2.153	0.416
United States Totals	248709873	253979148	2.075	0.182	252712822	1.584	0.191

UC Rt — Undercount Rate as estimated from the PES.

SE(UCRt) — The sampling error of the estimated undercount rate.

ATTACHMENT 5: THE 357 POSTSTRATUM DESIGN
FOR POSTCENSAL ESTIMATION--JULY, 1992

The following page defines the 51 poststrata groups and seven age sex groups used to poststratify the Post-Enumeration Survey (PES). These were used to develop dual system estimates for use in the postcensal estimation program. Cross classification of the 51 poststrata groups with the seven age sex groups yields 357 poststrata cells for which dual system estimates have been developed.

The following rough definitions are used:

"Urbanized area 250,000+" means that the PES sample block was part of an Urbanized Area the total population size of which was greater than 250,000.

"Other-urban" refers to all PES blocks that were part of an Urbanized Area not greater than 250,000 or were part of an other urban place.

"Non-urban" means all rural areas and other areas not falling into the above categories.

"Owner/Non-Owner" is determined from the tenure variable on the PES questionnaire. All persons in group quarters are non-owners by definition.

"Asian and Pacific Islander" refers to all people who report themselves as being Asian and Pacific Islander. This group is not restricted to the West or Mid Atlantic as it was in the July, 1991 estimates. Asians and Pacific Islanders of Hispanic origin are included here.

"American Indians on Reservations" include American Indians living on reservations and Tribal Trust Lands. All other concepts (Black, Non-black Hispanic, etc.) are defined as in the census.

"North East" states are Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York, and Pennsylvania.

"South" states include Delaware, District of Columbia, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia, Alabama, Kentucky, Mississippi, Tennessee, Arkansas, Louisiana, Oklahoma, and Texas.

"Midwest" states are Illinois, Indiana, Michigan, Ohio, Wisconsin, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

"West" states include Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming, Alaska, California, Hawaii, Oregon, and Washington.

(357 DESIGN) - 1992
Revised Post-Stratatification for Postcensal Estimation

Post-Strata Groups	North East	Mid West	South	West
Non-Hispanic White & Other				
Owner				
Urbanized Areas 250,000 +	1	2	3	4
Other Urban	5	6	7	8
Non-Urban	9	10	11	12
Non-owner				
Urbanized Areas 250,000 +	13	14	15	16
Other Urban	17	18	19	20
Non-Urban	21	22	23	24
Black				
Owner				
Urbanized Areas 250,000 +	25	26	27	28
Other Urban	29			
Non-Urban	30			
Non-owner				
Urbanized Areas 250,000 +	31	32	33	34
Other Urban	35			
Non-Urban	36			
Non-Black Hispanic				
Owner				
Urbanized Areas 250,000 +	37	38	39	40
Other Urban	41			
Non-Urban	42			
Non-owner				
Urbanized Areas 250,000 +	43	44	45	46
Other Urban	47			
Non-Urban	48			
Asian & Pacific Islander				
Owner	49			
Non-owner	50			
*American Indians on Reservations	51			

Age-Sex Groups

	Males	Females
0 to 17	g	
18 to 29	b	d
30 to 49	c	e
50 and Over	f	g

ATTACHMENT 6:

Total Error of the Net Undercount Rate Assuming No Correlation Bias and Synthetic Estimation of Net Component Errors

JULY, 1992

Evaluation Poststratum	Û*	B̂(Û)	St. Dev. B̂(Û)	Total St. Dev.	95% Interval
Non-Hispanic White and Other, Owner					
Urban 250k+	-0.50	0.32	0.99	1.06	(-2.95, 1.31)
Other Urban	0.11	0.21	0.25	0.34	(-0.79, 0.59)
Non-Urban	-0.22	0.86	0.87	1.00	(-3.07, 0.92)
Non-Hispanic White and Other, Non-Owner					
Urban 250k+	2.33	-0.06	0.60	0.96	(0.47, 4.32)
Other Urban	2.92	1.70	0.82	1.13	(-1.03, 3.47)
Non-Urban	5.30	0.47	0.74	1.35	(2.13, 7.53)
Black, Non-Black Hispanic, Asian and Pacific Islander, Urban 250k+					
Owner	1.33	0.84	0.44	0.67	(-0.86, 1.82)
Non-Owner	7.13	0.80	0.48	0.94	(4.44, 8.21)
Black, Non-Black Hispanic, Asian and Pacific Islander, Other Urban & Non-Urban					
Owner	2.07	2.38	0.90	1.25	(-2.81, 2.18)
Non-Owner	6.44	3.98	0.94	1.63	(-0.80, 5.72)
National	1.61	0.73	0.30	0.36	(0.17, 1.60)

*Based on PES population only.

Total Error of the Net Undercount Rate Assuming Synthetic Estimation of Net Component Errors

Evaluation Poststratum	Û*	B̂(Û)	St. Dev. B̂(Û)	Total St. Dev.	95% Interval
Non-Hispanic White and Other, Owner					
Urban 250k+	-0.50	0.31	0.99	1.06	(-2.94, 1.32)
Other Urban	0.11	0.18	0.25	0.34	(-0.76, 0.62)
Non-Urban	-0.22	0.81	0.88	1.00	(-3.03, 0.97)
Non-Hispanic White and Other, Non-Owner					
Urban 250k+	2.33	-0.68	0.76	1.07	(0.87, 5.16)
Other Urban	2.92	1.54	0.84	1.14	(-0.90, 3.65)
Non-Urban	5.30	-0.12	0.90	1.45	(2.52, 8.31)
Black, Non-Black Hispanic, Asian and Pacific Islander, Urban 250k+					
Owner	1.33	0.80	0.45	0.68	(-0.83, 1.87)
Non-Owner	7.13	-1.37	1.30	1.54	(5.42, 11.56)
Black, Non-Black Hispanic, Asian and Pacific Islander, Other Urban & Non-Urban					
Owner	2.07	2.23	0.95	1.28	(-2.71, 2.41)
Non-Owner	6.44	3.55	1.05	1.70	(-0.50, 6.28)
National	1.61	0.35	0.33	0.38	(0.50, 2.03)

*Based on PES population only.

ATTACHMENT 7: COMPARISON OF REVISED PES ESTIMATES VERSUS DA--JULY 1992

Comparison of the Census, Post Enumeration Survey (PES) and Demographic Analysis (DA) Estimates of Population and Percent Net Undercount: 1990

(A positive difference means that the demographic estimate is higher than the PES estimate; a negative difference means that the demographic estimate is lower).

Race, Sex, Age	PES Net Undercount				DA Net Undercount		Difference in DA and PES Percent Net Undercount	
	Original Estimates July 1991		Revised Estimates July 1992					
	Amount (1)	Percent (2)	Amount (3)	Percent (4)	Amount (5)	Percent (6)	Original PES 7=6-2	357 PES 8=6-4
TOTAL	5,269,267	2.07	4,002,947	1.58	4,683,913	1.85	-0.23	0.26
Male	3,009,674	2.42	2,383,724	1.93	3,480,216	2.79	0.37	0.86
Female	2,259,593	1.74	1,619,223	1.25	1,203,697	0.94	-0.81	-0.32
BLACK	1,519,776	4.82	1,391,033	4.43	1,836,272	5.68	0.86	1.25
Male	804,233	5.37	730,717	4.90	1,338,380	8.49	3.12	3.59
Female	715,543	4.33	660,316	4.01	497,892	3.01	-1.32	-1.00
NONBLACK	3,749,491	1.69	2,611,914	1.18	2,847,641	1.29	-0.40	0.11
Male	2,205,441	2.02	1,653,007	1.52	2,141;836	1.97	-0.05	0.45
Female	1,544,050	1.36	958,907	0.85	705,805	0.63	-0.73	-0.22

NOTE: Original PES estimates are the July 15, 1991 estimates based on 1392 poststrata and incorporate smoothing; revised PES estimates are the July 1992 estimates based on 357 poststrata, all PES revisions since July 1991, and no smoothing.

ATTACHMENT 10: ESTIMATED UNDERCOUNT/OVERCOUNT FOR 51 POST-STRATA, JULY 1992

Post-Strata Groups	Percent Undercount				Standard Errors			
	North East	South	Mid West	West	NE	S	MW	W
Non-Hispanic White & Other								
Owner								
Urbanized Areas 250,000 +	-2.13	0.68	-0.26	-0.34	1.08	0.71	0.39	0.65
Other Urban	-1.08	0.52	-0.10	0.62	0.49	0.42	0.40	0.56
Non-Urban	-0.54	0.18	-0.71	0.29	0.70	0.69	1.18	0.69
Non-owner								
Urbanized Areas 250,000 +	1.16	2.56	2.33	3.18	1.39	1.48	1.61	1.62
Other Urban	3.41	3.20	1.23	4.49	1.51	1.74	1.09	1.34
Non-Urban	6.52	6.23	2.85	6.08	4.20	1.71	1.51	1.81
Black								
Owner								
Urbanized Areas 250,000 +	1.63	2.16	0.81	6.10	1.91	0.90	0.87	1.91
Other Urban		1.34				0.98		
Non-Urban		3.52				1.90		
Non-owner								
Urbanized Areas 250,000 +	8.37	6.27	5.99	9.96	1.61	1.90	1.68	2.72
Other Urban		4.15				1.18		
Non-Urban		4.62				5.33		
Non-Black Hispanic								
Owner								
Urbanized Areas 250,000 +	0.67	2.53	-1.33	2.89	4.45	0.90	2.58	0.87
Other Urban		0.94				1.64		
Non-Urban		2.73				2.69		
Non-owner								
Urbanized Areas 250,000 +	6.72	9.34	6.64	5.91	3.51	2.59	3.26	1.84
Other Urban		6.60				2.74		
Non-Urban		15.80				5.01		
Asian & Pacific Islander								
Owner		-1.45				1.50		
Non-owner		6.96				2.52		
American Indians on Reservations		12.22				4.73		

Negative numbers in table signify an estimated overcount.

Attachment 11: Place Level Estimates and Estimated Undercount Rates (Places with 100,000 or More Population)

State/Place/Place Name		1990 Census	357 PES July 1992 Estimate	UC RT	SE(UCRt)
01	0185 Birmingham city	265968	273918	2.902	0.750
01	0935 Huntsville city	159789	162535	1.689	0.587
01	1165 Mobile city	196278	201181	2.437	0.619
01	1180 Montgomery city	187106	190738	1.904	0.521
02	0140 Anchorage city	226338	232174	2.514	0.518
04	0140 Glendale city	148134	150735	1.725	0.571
04	0215 Mesa city	288091	292643	1.556	0.638
04	0260 Phoenix city	983403	1003800	2.032	0.515
04	0305 Scottsdale city	130069	131178	0.846	0.612
04	0360 Tempe city	141865	145453	2.467	0.791
04	0380 Tucson city	405390	415971	2.544	0.542
05	1195 Little Rock city	175795	179875	2.268	0.610
06	0070 Anaheim city	266406	273748	2.679	0.538
06	0180 Bakersfield city	174820	179398	2.552	0.511
06	0245 Berkeley city	102724	106630	3.664	0.712
06	0525 Chula Vista city	135[illegible]	138715	2.561	0.475
06	0595 Concord city	111348	113137	1.582	0.580
06	0880 El Monte city	106209	110792	4.137	...14
06	0935 Escondido city	108635	111040	2.166	0.549
06	1080 Fremont city	173339	176094	1.565	0.522
06	1090 Fresno city	354202	366527	3.363	0.555
06	1095 Fullerton city	114144	116725	2.211	0.514
06	1110 Garden Grove city	143050	146412	2.296	0.515
06	1130 Glendale city	180038	184515	2.426	0.579
06	1225 Hayward city	111498	114720	2.809	0.503
06	1300 Huntington Beach city	181519	184639	1.690	0.635
06	1340 Inglewood city	109602	116991	6.316	1.290
06	1347 Irvine city	110330	112191	1.659	0.665
06	1610 Long Beach city	429433	445925	3.698	0.594
06	1630 Los Angeles city	3485398	3624206	3.830	0.651
06	1790 Modesto city	164730	168849	2.440	0.500
06	1849 Moreno Valley city	118779	121925	2.580	0.457
06	1970 Oakland city	372242	391553	4.932	0.919
06	1990 Oceanside city	128398	131711	2.515	0.510
06	2005 Ontario city	133179	137458	3.113	0.551
06	2015 Orange city	110658	112738	1.845	0.495
06	2050 Oxnard city	142216	147164	3.362	0.643
06	2125 Pasadena city	131591	136431	3.548	0.582
06	2230 Pomona city	131723	137116	3.933	0.693
06	2278 Rancho Cucamonga city	101409	103309	1.839	0.485
06	2370 Riverside city	226505	232608	2.624	0.492
06	2420 Sacramento city	369365	380734	2.987	0.538
06	2435 Salinas city	108777	112703	3.484	0.993
06	2450 San Bernardino city	164164	170249	3.574	0.577
06	2475 San Diego city	1110549	1143032	2.842	0.527
06	2485 San Francisco city	723959	745573	2.899	0.626
06	2510 San Jose city	782248	801296	2.377	0.474
06	2570 Santa Ana city	293742	305815	3.948	0.871
06	2583 Santa Clarita city	110642	111997	1.210	0.558
06	2615 Santa Rosa city	113313	115898	2.231	0.533
06	2702 Simi Valley city	100217	102006	1.754	0.449
06	2805 Stockton city	210943	218358	3.396	0.600
06	2835 Sunnyvale city	117229	119999	2.308	0.610
06	2897 Thousand Oaks city	104352	105407	1.001	0.553
06	2910 Torrance city	133107	135125	1.494	0.564
06	3000 Vallejo city	109199	112178	2.656	0.544
08	0055 Aurora city	222103	227110	2.205	0.583
08	0240 Colorado Springs city	281140	287033	2.053	0.631
08	0320 Denver city	467610	480842	2.756	0.498
08	0760 Lakewood city	126481	128094	1.259	0.649
09	001010 Bridgeport town	141686	145631	2.709	1.029
09	001090 Stamford town	108056	109430	1.256	0.461
09	003070 Hartford town	139739	146308	4.490	1.231
09	009075 New Haven town	130474	135057	3.393	0.842
09	009120 Waterbury town	108961	110722	1.591	0.534
11	0005 Washington city	606900	628309	3.407	0.901
12	0645 Fort Lauderdale city	149377	152687	2.168	0.660
12	0660 Hialeah city	188004	197448	4.783	1.621
12	0915 Hollywood city	121697	123463	1.431	0.569
12	1003 Jacksonville city (remainder)	635230	649437	2.188	0.548
12	1370 Miami city	358548	377379	4.990	1.527
12	1600 Orlando city	164693	169260	2.698	0.700
12	1900 St. Petersburg city	238629	242149	1.454	0.553
12	2070 Tallahassee city	124773	127834	2.395	0.816
12	2075 Tampa city	280015	287445	2.585	0.627
13	0150 Atlanta city	394017	407923	3.409	0.912
13	0660 Columbus city (remainder)	178681	182489	2.087	0.554
13	1725 Macon city	106612	109027	2.215	0.586
13	2540 Savannah city	137560	140538	2.119	0.560
15	0110 Honolulu CDP	365272	372146	1.847	0.980
16	0090 Boise City city	125738	128336	2.024	0.542
17	1051 Chicago city	2783726	2852041	2.395	0.769
17	4590 Peoria city	113504	114753	1.089	0.416
17	4965 Rockford city	139426	140598	0.834	0.422
17	5480 Springfield city	105227	105921	0.655	0.456
18	0775 Evansville city	126272	126950	0.534	0.475
18	0825 Fort Wayne city	173072	174511	0.824	0.429
18	0905 Gary city	116646	119611	2.479	0.719
18	1145 Indianapolis	731327	741712	1.400	0.523
18	2375 South Bend city	105511	106417	0.851	0.377
19	0670 Cedar Rapids city	108751	109199	0.410	0.430
19	1130 Des Moines city	193187	194978	0.919	0.506
20	1430 Kansas City city	149767	151947	1.435	0.494
20	2194 Overland Park city	111790	112485	0.618	0.480
20	2795 Topeka city	119883	120748	0.716	0.434
20	3040 Wichita city	304011	307807	1.233	0.518
21	1160 Lexington-Fayette	225366	229930	1.985	0.705
21	1230 Louisville city	269063	274816	2.094	0.616
22	0895 Baton Rouge city	219531	226061	2.889	0.704
22	0956 New Orleans city	496938	513936	3.307	0.876
22	1240 Shreveport city	198525	203753	2.566	0.633
24	0825 Baltimore city	736014	759127	3.045	0.808
25	013090 Springfield city	156983	159597	1.638	0.850
25	017130 Lowell city	103439	105772	2.206	0.667
25	025005 Boston city	574283	590703	2.780	0.784
25	027300 Worcester city	169759	171148	0.812	0.816
26	0080 Ann Arbor city	109592	111442	1.660	0.522
26	0680 Detroit city	1027974	1056180	2.671	0.727
26	0920 Flint city	140761	143923	2.197	0.584
26	1085 Grand Rapids city	189126	191834	1.412	0.504
26	1485 Lansing city	127321	129424	1.625	0.553
26	1565 Livonia city	100850	100700	-0.149	0.364
26	2583 Sterling Heights city	117810	117955	0.123	0.402
26	2790 Warren city	144864	145018	0.106	0.394
27	2585 Minneapolis city	368383	374537	1.643	0.605
27	3425 St. Paul city	272235	275962	1.351	0.560
28	0615 Jackson city	196637	202591	2.939	0.719
29	2125 Independence city	112301	112970	0.592	0.493
29	2220 Kansas City city	435146	441627	1.468	0.516
29	3875 St. Louis city	396685	405175	2.096	0.682
29	4075 Springfield city	140494	141440	0.669	0.501
31	1425 Lincoln city	191972	193365	0.720	0.455
31	1825 Omaha city	335795	339436	1.073	0.498
32	0065 Las Vegas city	258295	266680	2.412	0.535
32	0090 Reno city	133850	137829	2.887	0.670
34	1715 Elizabeth city	110002	113626	3.189	1.244
34	2290 Jersey City city	228537	236914	3.536	0.942
34	2895 Newark city	275221	289965	5.085	1.113
34	3115 Paterson city	140891	146865	4.068	1.332
35	0015 Albuquerque city	384736	393462	2.218	0.480
36	0030 Albany city	101082	103108	1.965	0.802
36	0450 Buffalo city	328123	334286	1.844	0.726
36	2505 New York city	7322564	7567146	3.232	0.921
36	3100 Rochester city	231636	237133	2.318	0.746
36	3565 Syracuse city	163860	166653	1.674	0.769

UC RT — Undercount Rate as estimated from the PES.

SE(UCRt) — The sampling error of the estimated undercount rate.

36	4075	Yonkers city	188082	190656	1.350	0.852
37	0480	Charlotte city	395934	405932	2.463	0.635
37	0750	Durham city	136611	139962	2.394	0.712
37	1065	Greensboro city	183521	187128	1.928	0.866
37	2020	Raleigh city	207951	213485	2.592	0.728
37	2785	Winston-Salem city	143485	146388	1.983	0.619
39	0035	Akron city	223019	226256	1.431	0.520
39	0865	Cincinnati city	364040	372392	2.243	0.719
39	0900	Cleveland city	505616	516598	2.126	0.650
39	0960	Columbus city	632910	645256	1.913	0.630
39	1110	Dayton city	182044	185861	2.054	0.624
39	4265	Toledo city	332943	337317	1.297	0.497
40	1815	Oklahoma City city	444719	454630	2.180	0.548
40	2465	Tulsa city	367302	374856	2.015	0.597
41	0360	Eugene city	112669	115726	2.641	0.685
41	0905	Portland city	437319	445566	1.851	0.659
41	1005	Salem city	107786	110240	2.227	0.566
42	0165	Allentown city	105090	105216	0.120	0.831
42	3685	Erie city	108718	109866	1.045	0.534
42	7180	Philadelphia city	1585577	1608942	1.452	0.742
42	7234	Pittsburgh city	369879	373752	1.036	0.728
44	007065	Providence city	160728	164304	2.176	0.829
46	1225	Sioux Falls city	100814	101208	0.389	0.496
47	0245	Chattanooga city	152466	155875	2.187	0.637
47	0760	Knoxville city	165121	168582	2.053	0.698
47	0960	Memphis city	610337	628329	2.864	0.700
47	1016	Nashville-Davidson (remainder)	488374	499383	2.205	0.625
48	0015	Abilene city	106654	108885	2.049	0.646
48	0100	Amarillo city	157615	160530	1.816	0.577
48	0175	Arlington city	261721	269098	2.742	0.608
48	0210	Austin city	465622	483156	3.629	0.752
48	0320	Beaumont city	114323	116654	1.998	0.500
48	0980	Corpus Christi city	257453	267127	3.622	0.798
48	1085	Dallas city	1006877	1043947	3.551	0.727
48	1340	El Paso city	515342	538250	4.256	0.964
48	1500	Fort Worth city	447619	461686	3.047	0.606
48	1580	Garland city	180650	185336	2.528	0.539
48	1975	Houston city	1630553	1697301	3.933	0.777
48	2060	Irving city	155037	160622	3.477	0.762
48	2400	Laredo city	122899	126611	2.932	1.262
48	2565	Lubbock city	186206	190661	2.334	0.688
48	2795	Mesquite city	101484	103803	2.234	0.541
48	3200	Pasadena city	119363	123539	3.380	0.721
48	3310	Plano city	128713	131188	1.887	0.560
48	3745	San Antonio city	935933	974099	3.918	0.857
48	4415	Waco city	103590	106382	2.624	0.728
49	0870	Salt Lake City city	159936	163014	1.888	0.721
51	0025	Alexandria city	111183	114451	2.856	0.771
51	0242	Chesapeake city	151976	155185	2.068	0.509
51	0590	Hampton city	133793	137415	2.636	0.617
51	0860	Newport News city	170045	175121	2.899	0.689
51	0875	Norfolk city	261229	269011	2.893	0.733
51	0990	Portsmouth city	103907	106837	2.742	0.695
51	1035	Richmond city	203056	208987	2.838	0.817
51	1280	Virginia Beach city	393069	402092	2.244	0.558
53	1140	Seattle city	516259	528151	2.252	0.670
53	1220	Spokane city	177196	179391	1.223	0.739
53	1280	Tacoma city	176664	180831	2.306	0.622
55	1675	Madison city	191262	193499	1.156	0.504
55	1845	Milwaukee city	628088	642860	2.298	0.681

Attachment 12: County Level Estimates and Estimated Undercount Rates (Counties with 100,000 or More Population)

State/County/County Name	1990 Census	357 PES July 1992 Estimate	UC Rt	SE(UCRt)
01 015 Calhoun County	116034	117856	1.544	0.424
01 073 Jefferson County	651525	665329	2.075	0.517
01 089 Madison County	238912	242937	1.657	0.478
01 097 Mobile County	378643	387137	2.194	0.479
01 101 Montgomery County	209085	213105	1.886	0.480
01 103 Morgan County	100043	101438	1.375	0.407
01 125 Tuscaloosa County	150522	153449	1.908	0.508
02 020 Anchorage Borough	226338	232174	2.514	0.518
04 013 Maricopa County	2122101	2160697	1.786	0.312
04 019 Pima County	666880	681920	2.206	0.464
04 021 Pinal County	116379	120833	3.045	0.584
04 025 Yavapai County	107714	109685	1.797	0.442
04 027 Yuma County	106895	109960	2.787	0.572
05 119 Pulaski County	349660	357441	2.177	0.517
05 143 Washington County	113409	115578	1.877	0.615
06 001 Alameda County	1279182	1317233	2.889	0.[illegible]
06 007 Butte County	182120	186831	2.522	0.554
06 013 Contra Costa County	803732	817943	1.737	0.400
06 017 El Dorado County	125995	128413	1.883	0.451
06 019 Fresno County	667490	691987	3.540	0.501
06 023 Humboldt County	119118	122410	2.689	0.488
06 025 Imperial County	109303	113220	3.460	0.866
06 029 Kern County	543477	558753	2.734	0.375
06 031 Kings County	101469	105099	3.454	0.581
06 037 Los Angeles County	8863164	9168889	3.334	0.568
06 041 Marin County	230096	232947	1.224	0.523
06 047 Merced County	178403	185486	3.777	0.628
06 053 Monterey County	355660	367580	3.243	0.644
06 055 Napa County	110765	113298	2.236	0.447
06 059 Orange County	2410556	2461373	2.065	0.493
06 061 Placer County	172796	175303	1.430	0.374
06 065 Riverside County	1170413	1198964	2.381	0.343
06 067 Sacramento County	1041219	1063198	2.251	0.524
06 071 San Bernardino County	1418380	1433550	2.554	0.355
06 073 San Diego County	2498016	2560392	2.436	0.486
06 075 San Francisco County	723959	743573	2.899	0.626
06 077 San Joaquin County	480628	495154	2.934	0.381
06 079 San Luis Obispo County	217162	222841	2.549	0.500
06 081 San Mateo County	649[illegible]	661709	1.826	0.457
06 083 Santa Barbara County	36[illegible]	381039	3.000	0.643
06 085 Santa Clara County	1497577	1531196	2.196	0.475
06 087 Santa Cruz County	229734	236007	2.658	0.531
06 089 Shasta County	147036	150145	2.070	0.447
06 095 Solano County	340421	348512	2.322	0.324
06 097 Sonoma County	388222	397377	2.304	0.422
06 099 Stanislaus County	370522	380699	2.673	0.475
06 107 Tulare County	311921	323520	3.585	0.681
06 111 Ventura County	669016	683672	2.144	0.357
06 113 Yolo County	141092	145975	3.343	0.565
08 001 Adams County	265038	269856	1.786	0.496
08 005 Arapahoe County	391511	397542	1.517	0.388
08 013 Boulder County	225339	230754	2.347	0.533
08 031 Denver County	467610	480862	2.756	0.498
08 041 El Paso County	397014	405212	2.023	0.558
08 059 Jefferson County	438430	442890	1.007	0.577
08 069 Larimer County	186136	190569	2.326	0.527
08 101 Pueblo County	123051	125754	2.149	0.548
08 123 Weld County	131821	135793	2.925	0.518
09 001 Fairfield County	827643	832682	0.605	0.384
09 003 Hartford County	851783	857897	0.713	0.483
09 005 Litchfield County	174092	175080	0.565	0.323
09 007 Middlesex County	143196	143825	0.437	0.326
09 009 New Haven County	804219	807987	0.466	0.514
09 011 New London County	254957	257535	1.001	0.470

UCRt — Undercount Rate as estimated from the PES.

(UCRt) — The sampling error of the estimated undercount rate.

09	013	Tolland County	128699	129510	0.426	0.561
09	015	Windham County	102525	103793	1.222	0.681
10	001	Kent County	110993	112995	1.772	0.394
10	003	New Castle County	441946	450294	1.854	0.516
10	005	Sussex County	113229	115083	1.611	0.452
11	001	District of Columbia	606900	628309	3.487	0.901
12	001	Alachua County	181596	186051	2.394	0.635
12	005	Bay County	126994	129096	1.629	0.536
12	009	Brevard County	398978	404953	1.476	0.665
12	011	Broward County	1255488	1277394	1.715	0.529
12	015	Charlotte County	110975	111898	0.825	0.353
12	019	Clay County	105986	107762	1.648	0.376
12	021	Collier County	152099	154958	1.845	0.646
12	025	Dade County	1937094	2011300	3.690	0.965
12	031	Duval County	672971	687821	2.159	0.569
12	033	Escambia County	262798	268329	2.061	0.695
12	053	Hernando County	101115	102051	0.918	0.319
12	057	Hillsborough County	834054	853411	2.268	0.678
12	069	Lake County	152104	154003	1.233	0.341
12	071	Lee County	335113	339589	1.318	0.466
12	073	Leon County	192493	196621	2.100	0.615
12	081	Manatee County	211707	214609	1.352	0.513
12	083	Marion County	194833	197743	1.472	0.354
12	085	Martin County	100900	102129	1.195	0.406
12	091	Okaloosa County	143776	146346	1.756	0.593
12	095	Orange County	677491	693622	2.326	0.530
12	097	Osceola County	107728	109720	1.816	0.479
12	099	Palm Beach County	863518	876764	1.511	0.493
12	101	Pasco County	281131	283694	0.904	0.395
12	103	Pinellas County	851659	860438	1.020	0.555
12	105	Polk County	405382	411918	1.587	0.405
12	111	St. Lucie County	150171	152554	1.562	0.474
12	115	Sarasota County	277776	279921	0.766	0.505
12	117	Seminole County	287529	292736	1.779	0.505
12	127	Volusia County	370712	373737	1.338	0.462
13	021	Bibb County	149967	1[illegible]35	2.005	0.475
13	051	Chatham County	216935	221102	1.885	0.580
13	063	Clayton County	182052	186841	2.563	0.587
13	067	Cobb County	447745	456480	1.914	0.543
13	089	DeKalb County	545837	561155	2.730	0.601
13	121	Fulton County	648951	668695	2.953	0.730
13	135	Gwinnett County	352910	359473	1.826	0.481
13	215	Muscogee County	179278	183097	2.086	0.554
13	245	Richmond County	189719	194873	2.645	0.586
15	001	Hawaii County	120317	122654	1.905	0.75
15	003	Honolulu County	836231	852074	1.859	0.83
15	009	Maui County	100374	102187	1.774	0.74
16	001	Ada County	205775	209575	1.813	0.66
17	019	Champaign County	173025	175375	1.349	0.61
17	031	Cook County	5105067	5186429	1.569	0.57
17	043	DuPage County	781666	784956	0.419	0.39
17	089	Kane County	317471	320253	0.869	0.41
17	097	Lake County	516418	519660	0.624	0.33
17	099	La Salle County	106913	107150	0.222	0.41
17	111	McHenry County	183241	183780	0.293	0.38
17	113	McLean County	129180	130128	0.729	0.46
17	115	Macon County	117206	117856	0.551	0.35
17	119	Madison County	249238	250644	0.483	0.36
17	143	Peoria County	182827	184180	0.735	0.37
17	161	Rock Island County	148723	149787	0.711	0.47
17	163	St. Clair County	262852	266421	1.340	0.44
17	167	Sangamon County	178386	179149	0.426	0.37
17	179	Tazewell County	123692	123962	0.202	0.44
17	197	Will County	357313	359200	0.525	0.27
17	201	Winnebago County	252913	254302	0.546	0.3
18	003	Allen County	300836	302274	0.476	0.3
18	035	Delaware County	119639	120341	0.586	0.4
18	039	Elkhart County	156198	156797	0.382	0.4
18	057	Hamilton County	108936	109211	0.252	0.3
18	089	Lake County	475594	480322	0.984	0.4
18	091	La Porte County	107066	107368	0.281	0.4
18	095	Madison County	130669	131090	0.321	0.4

18	097	Marion County	797159	808143	1.359	0.523
18	105	Monroe County	108978	110096	1.013	0.498
18	127	Porter County	128932	129287	0.274	0.397
18	141	St. Joseph County	247052	248403	0.544	0.355
18	157	Tippecanoe County	130598	132098	1.135	0.459
18	163	Vanderburgh County	165058	165711	0.394	0.418
18	167	Vigo County	106107	106607	0.469	0.398
19	013	Black Hawk County	123798	124329	0.587	0.375
19	113	Linn County	168767	169329	0.332	0.387
19	153	Polk County	327140	329530	0.725	0.432
19	163	Scott County	150979	152246	0.832	0.431
20	091	Johnson County	355054	357029	0.553	0.418
20	173	Sedgwick County	403662	407780	1.010	0.440
20	177	Shawnee County	160976	161845	0.537	0.396
20	209	Wyandotte County	161993	164206	1.348	0.460
21	067	Fayette County	225366	229930	1.985	0.705
21	111	Jefferson County	664937	676776	1.749	0.537
21	117	Kenton County	142031	144235	1.528	0.552
22	017	Caddo Parish	248253	254356	2.400	0.529
22	019	Calcasieu Parish	168134	170974	1.661	0.420
22	033	East Baton Rouge Parish	380105	390145	2.574	0.569
22	051	Jefferson Parish	448306	457937	2.103	0.525
22	055	Lafayette Parish	164762	168125	2.000	0.497
22	071	Orleans Parish	496938	513936	3.307	0.876
22	073	Ouachita Parish	142191	144953	1.905	0.438
22	079	Rapides Parish	131556	133995	1.820	0.399
22	103	St. Tammany Parish	144508	144874	1.611	0.365
23	001	Androscoggin County	105259	106120	0.812	0.511
23	005	Cumberland County	243135	245246	0.861	0.524
23	011	Kennebec County	115904	116582	0.581	0.505
23	019	Penobscot County	146601	147738	0.770	0.532
23	031	York County	164587	165435	0.633	0.520
24	003	Anne Arundel County	427239	434447	1.659	0.406
24	005	Baltimore County	692134	702812	1.519	0.507
24	013	Carroll County	123372	124911	1.232	0.459
24	017	Charles County	101154	102794	1.595	0.403
24	021	Frederick County	150208	152690	1.626	0.431
24	025	Harford County	182132	185018	1.560	0.359
24	027	Howard County	187328	190409	1.618	0.466
24	031	Montgomery County	757027	771160	1.833	0.482
24	033	Prince George's County	729268	751587	2.970	0.627
24	043	Washington County	121393	123237	1.496	0.460
24	510	Baltimore city	736014	759127	3.045	0.808
25	001	Barnstable County	186605	187904	0.691	0.530
25	003	Berkshire County	139352	140508	0.823	0.505
25	005	Bristol County	506325	509637	0.650	0.452
25	009	Essex County	670080	671451	0.204	0.466
25	013	Hampden County	456310	458054	0.381	0.706
25	015	Hampshire County	146568	147848	0.866	0.355
25	017	Middlesex County	1398468	1399207	0.053	0.615
25	021	Norfolk County	616087	611139	-0.810	0.744
25	023	Plymouth County	435276	436400	0.258	0.406
25	025	Suffolk County	663906	680818	2.484	0.777
25	027	Worcester County	709705	713339	0.509	0.456
26	017	Bay County	111723	111895	0.153	0.450
26	021	Berrien County	161378	162674	0.796	0.454
26	025	Calhoun County	135982	136472	0.505	0.398
26	049	Genesee County	430459	434600	0.953	0.614
26	065	Ingham County	281912	286089	1.460	0.534
26	075	Jackson County	149756	150189	0.288	0.51
26	077	Kalamazoo County	223411	224957	0.687	0.40
26	081	Kent County	500631	504353	0.738	0.40
26	093	Livingston County	115645	115499	-0.126	0.96
26	099	Macomb County	717400	718766	0.190	0.38
26	115	Monroe County	133600	133783	0.137	0.57
26	121	Muskegon County	158983	159784	0.501	0.39
26	125	Oakland County	1083592	1088374	0.439	0.38
26	139	Ottawa County	187768	188460	0.367	0.44
26	145	Saginaw County	211946	213567	0.759	0.40
26	147	St. Clair County	145607	145854	0.169	0.51
26	161	Washtenaw County	282937	286038	1.084	0.42
26	163	Wayne County	2111687	2144482	1.929	0.47

27	003	Anoka County	243641	244251	.0.250	0.375
27	037	Dakota County	275227	276471	0.450	0.389
27	053	Hennepin County	1032431	1041265	0.848	0.467
27	109	Olmsted County	106470	106753	0.265	0.411
27	123	Ramsey County	485765	490387	0.943	0.479
27	137	St. Louis County	198213	198442	0.126	0.430
27	145	Stearns County	118791	119274	0.405	0.560
27	163	Washington County	145896	146053	0.108	0.344
28	047	Harrison County	165365	168426	1.818	0.509
28	049	Hinds County	254441	261731	2.785	0.609
28	059	Jackson County	115263	117089	1.576	0.407
29	019	Boone County	112379	113620	1.092	0.444
29	047	Clay County	153411	154298	0.575	0.414
29	077	Greene County	207949	208941	0.475	0.429
29	095	Jackson County	633232	640624	1.154	0.466
29	099	Jefferson County	171380	171632	0.147	0.504
29	183	St. Charles County	212907	213851	0.442	0.380
29	189	St. Louis County	993529	999753	0.623	0.370
29	510	St. Louis city	396685	405175	2.096	0.682
30	111	Yellowstone County	113419	115539	1.835	0.450
31	055	Douglas County	416444	420353	0.930	0.453
31	109	Lancaster County	213641	215022	0.642	0.420
31	153	Sarpy County	102583	103780	1.154	0.483
32	003	Clark County	741459	758692	2.271	0.521
32	031	Washoe County	254667	261007	2.429	0.510
33	011	Hillsborough County	336073	338911	0.838	0.500
33	013	Merrimack County	120005	120910	0.748	0.639
33	015	Rockingham County	245845	247556	0.691	0.546
33	017	Strafford County	104233	105081	0.807	0.557
34	001	Atlantic County	224327	226943	1.153	0.374
34	003	Bergen County	825380	820928	-0.542	0.786
34	005	Burlington County	395066	394939	-0.032	0.568
34	007	Camden County	502824	503429	0.120	0.719
34	011	Cumberland County	138053	139656	1.148	0.379
34	013	Essex County	778206	799678	2.685	0.782
34	015	Gloucester County	230082	229108	-0.426	0.624
34	017	Hudson County	553099	569258	2.839	1.107
34	019	Hunterdon County	107776	108451	0.623	0.745
34	021	Mercer County	325824	328647	0.859	0.554
34	023	Middlesex County	671780	672992	0.180	0.712
34	025	Monmouth County	553124	550805	-0.421	0.687
34	027	Morris County	421353	419138	-0.529	0.670
34	029	Ocean County	433203	429899	-0.769	0.702
34	031	Passaic County	453060	459194	1.336	0.858
34	035	Somerset County	240279	239512	-0.320	0.617
34	037	Sussex County	130943	131218	0.210	0.539
34	039	Union County	493819	497433	0.727	0.778
35	001	Bernalillo County	480577	491854	2.293	0.457
35	013	Dona Ana County	135510	139939	3.165	0.665
36	001	Albany County	292594	293849	0.427	0.656
36	005	Bronx County	1203789	1265768	4.897	1.410
36	007	Broome County	212160	213689	0.716	0.458
36	013	Chautauqua County	141895	143047	0.805	0.539
36	027	Dutchess County	259462	261808	0.896	0.459
36	029	Erie County	968532	969213	0.070	0.650
36	045	Jefferson County	110943	112635	1.503	0.718
36	047	Kings County	2300664	2389150	3.704	0.906
36	055	Monroe County	713968	716126	0.301	0.641
36	059	Nassau County	1287348	1277449	-0.775	0.827
36	061	New York County	1487536	1541441	3.497	0.989
36	063	Niagara County	220756	220729	-0.012	0.512
36	065	Oneida County	250836	252906	0.819	0.647
36	067	Onondaga County	468973	469750	0.165	0.638
36	071	Orange County	307647	310882	1.040	0.651
36	075	Oswego County	121771	122882	0.904	0.685
36	081	Queens County	1951598	1992006	2.029	0.806
36	083	Rensselaer County	154429	155072	0.415	0.591
36	085	Richmond County	378977	378782	-0.052	0.722
36	087	Rockland County	265475	264771	-0.266	0.734
36	089	St. Lawrence County	111974	113179	1.064	0.664
36	091	Saratoga County	181276	181850	0.316	0.500
36	093	Schenectady County	149285	148589	-0.468	0.720

36	103	Suffolk County	1321864	1313344	+0.649	0.72
36	111	Ulster County	165304	167385	1.244	0.73
36	119	Westchester County	874866	879705	0.550	0.68
37	001	Alamance County	108213	109811	1.455	0.40
37	021	Buncombe County	174821	177162	1.321	0.41
37	035	Catawba County	118412	120094	1.401	0.42
37	051	Cumberland County	274566	280604	2.152	0.51
37	057	Davidson County	126677	128544	1.453	0.45
37	063	Durham County	181835	185785	2.126	0.57
37	067	Forsyth County	265878	270363	1.659	0.46
37	071	Gaston County	175093	177837	1.543	0.45
37	081	Guilford County	347420	353615	1.752	0.50
37	119	Mecklenburg County	511433	523306	2.269	0.55
37	129	New Hanover County	120284	122381	1.714	0.54
37	133	Onslow County	149838	153141	2.157	0.41
37	147	Pitt County	107924	110516	2.345	0.55
37	151	Randolph County	106546	108009	1.354	0.43
37	155	Robeson County	105179	107475	2.136	0.53
37	159	Rowan County	110605	112305	1.514	0.37
37	183	Wake County	423380	432630	2.138	0.49
37	191	Wayne County	104666	106769	1.969	0.39
38	017	Cass County	102874	103452	0.559	0.46
39	003	Allen County	109755	110262	0.460	0.41
39	017	Butler County	291679	292902	0.486	0.35
39	023	Clark County	147548	148179	0.426	0.40
39	025	Clermont County	150187	150784	0.396	0.52
39	029	Columbiana County	108276	108375	0.091	0.58
39	035	Cuyahoga County	1412140	1427932	1.106	0.47
39	045	Fairfield County	103461	103594	0.129	0.52
39	049	Franklin County	961437	975539	1.446	0.53
39	057	Greene County	136731	137700	0.704	0.32
39	061	Hamilton County	866228	876795	1.205	0.48
39	085	Lake County	215498	216122	0.288	0.37
39	089	Licking County	128300	128558	0.201	0.51
39	093	Lorain County	271126	272668	0.565	0.36
39	095	Lucas County	462361	46..96	1.014	0.43
39	099	Mahoning County	264806	266443	0.614	0.37
39	103	Medina County	122354	122484	0.106	0.46
39	113	Montgomery County	573809	580267	1.113	0.46
39	133	Portage County	142585	143615	0.717	0.54
39	139	Richland County	126137	126535	0.314	0.41
39	151	Stark County	367585	368829	0.337	0.38
39	153	Summit County	514990	518979	0.769	0.41
39	155	Trumbull County	227813	228736	0.403	0.39
39	165	Warren County	113909	114158	0.218	0.36
39	169	Wayne County	101461	101745	0.279	0.62
39	173	Wood County	113269	113912	0.565	0.41
40	027	Cleveland County	174253	177845	2.020	0.53
40	031	Comanche County	111486	113756	1.996	0.50
40	109	Oklahoma County	599611	612788	2.150	0.54
40	143	Tulsa County	503341	512953	1.874	0.53
41	005	Clackamas County	278850	281892	1.079	0.45
41	029	Jackson County	146389	149287	1.941	0.44
41	039	Lane County	282912	289266	2.197	0.49
41	047	Marion County	228483	233587	2.185	0.43
41	051	Multnomah County	583887	593788	1.668	0.65
41	067	Washington County	311554	315806	1.344	0.62
42	003	Allegheny County	1336449	1331707	-0.356	0.75
42	007	Beaver County	186093	185256	-0.452	0.63
42	011	Berks County	336523	338569	0.604	0.42
42	013	Blair County	130542	131077	0.408	0.44
42	017	Bucks County	541174	537873	-0.614	-0.63
42	019	Butler County	152013	152898	0.579	0.62
42	021	Cambria County	163029	163876	0.517	0.48
42	027	Centre County	123786	125635	1.472	0.72
42	029	Chester County	376396	377088	0.184	0.52
42	041	Cumberland County	195257	195256	-0.001	0.54
42	043	Dauphin County	237813	239154	0.561	0.57
42	045	Delaware County	547651	545064	-0.475	0.77
42	049	Erie County	275572	277235	0.600	0.42
42	051	Fayette County	145351	146681	0.907	0.81
42	055	Franklin County	121082	122180	0.899	0.73

42	069 Lackawanna County	219039	217294	-0.803	0.75
42	071 Lancaster County	422822	426528	0.869	0.52
42	075 Lebanon County	113744	114518	0.676	0.58
42	077 Lehigh County	291130	289980	-0.396	0.66
42	079 Luzerne County	328149	326439	-0.524	0.59
42	081 Lycoming County	118710	119511	0.670	0.69
42	085 Mercer County	121003	121627	0.513	0.48
42	091 Montgomery County	678111	673620	-0.667	0.67
42	095 Northampton County	247105	244917	-0.876	0.57
42	101 Philadelphia County	1585577	1608942	1.452	0.74
42	107 Schuylkill County	152585	152989	0.264	0.52
42	125 Washington County	204584	204548	-0.018	0.50
42	129 Westmoreland County	370321	369009	-0.354	0.55
42	133 York County	339574	341321	0.512	0.47
44	003 Kent County	161135	159355	-1.117	0.77
44	007 Providence County	596270	597960	0.283	0.69
44	009 Washington County	110006	110982	0.880	0.63
45	003 Aiken County	120940	123291	1.907	0.48
45	007 Anderson County	145196	147268	1.407	0.37
45	015 Berkeley County	128776	132081	2.502	0.47
45	019 Charleston County	295039	302751	2.547	0.58
45	041 Florence County	114344	116743	2.056	0.45
45	045 Greenville County	320167	325537	1.650	0.46
45	051 Horry County	144053	146650	1.771	0.45
45	063 Lexington County	167611	170341	1.602	0.37
45	079 Richland County	285720	293299	2.584	0.56
45	083 Spartanburg County	226800	230614	1.654	0.37
45	085 Sumter County	102637	105017	2.267	0.50
45	091 York County	131497	133717	1.660	0.49
46	099 Minnehaha County	123809	124220	0.331	0.44
47	037 Davidson County	510784	522044	2.157	0.41
47	065 Hamilton County	285536	290664	1.764	0.51
47	093 Knox County	335749	341481	1.679	0.50
47	125 Montgomery County	190498	192448	1.923	0.51
47	149 Rutherford County	118570	120716	1.778	0.51
47	157 Shelby County	826330	847848	2.538	0.58
47	163 Sullivan County	143596	145270	1.152	0.43
47	165 Sumner County	103281	104756	1.408	0.34
48	027 Bell County	191088	195808	2.410	0.56
48	029 Bexar County	1185394	1230141	3.638	0.74
48	039 Brazoria County	191707	195577	1.979	0.37
48	041 Brazos County	121862	125880	3.192	0.98
48	061 Cameron County	260120	268639	3.178	0.98
48	085 Collin County	264036	269149	1.900	0.41
48	113 Dallas County	1852810	1912100	3.101	0.62
48	121 Denton County	273525	279483	2.132	0.49
48	135 Ector County	118934	121298	1.949	0.58
48	141 El Paso County	591610	617397	4.177	0.89
48	157 Fort Bend County	225421	230752	2.310	0.33
48	167 Galveston County	217399	221787	1.979	0.48
48	183 Gregg County	104948	106936	1.860	0.52
48	201 Harris County	2818199	2915587	3.340	0.63
48	215 Hidalgo County	383545	399991	4.112	0.86
48	245 Jefferson County	239397	243776	1.796	0.66
48	303 Lubbock County	222636	228182	2.430	0.59
48	309 McLennan County	189123	193347	2.185	0.54
48	329 Midland County	106611	108645	1.872	0.49
48	339 Montgomery County	182201	185687	1.877	0.66
48	355 Nueces County	291145	301959	3.581	0.71
48	423 Smith County	151309	154321	1.952	0.39
48	439 Tarrant County	1170103	1200703	2.549	0.56
48	441 Taylor County	119655	122112	2.012	0.57
48	453 Travis County	576407	596444	3.360	0.66
48	479 Webb County	133239	137203	2.889	1.23
48	485 Wichita County	122378	126508	1.711	0.55
48	491 Williamson County	139551	142663	2.182	0.37
49	011 Davis County	187941	190068	1.119	0.70
49	035 Salt Lake County	725956	735135	1.249	0.68
49	049 Utah County	263590	271102	2.771	0.69
49	057 Weber County	158330	160318	1.240	0.57
50	007 Chittenden County	131761	132975	0.913	0.56
51	013 Arlington County	170936	175366	2.537	0.72

51	041 Chesterfield County	209274	212658	1.591	0.432
51	059 Fairfax County	818584	833668	1.809	0.501
51	087 Henrico County	217881	221878	1.801	0.506
51	153 Prince William County	215686	220359	2.121	0.425
51	510 Alexandria city	111183	114451	2.856	0.771
51	550 Chesapeake city	151976	155185	2.068	0.509
51	650 Hampton city	133793	137615	2.636	0.617
51	700 Newport News city	170045	175121	2.899	0.685
51	710 Norfolk city	261229	269011	2.893	0.753
51	740 Portsmouth city	103907	106837	2.742	0.691
51	760 Richmond city	203056	208987	2.838	0.817
51	810 Virginia Beach city	393069	402092	2.244	0.532
53	005 Benton County	112560	115073	2.184	0.443
53	011 Clark County	238053	241186	1.299	0.333
53	033 King County	1507319	1531673	1.590	0.612
53	035 Kitsap County	189731	193702	2.058	0.425
53	053 Pierce County	586203	597344	1.865	0.541
53	061 Snohomish County	465642	471683	1.281	0.537
53	063 Spokane County	361364	365976	1.260	0.577
53	067 Thurston County	161238	164404	1.962	0.423
53	073 Whatcom County	127780	130903	2.386	0.687
53	077 Yakima County	188823	195170	3.252	0.557
54	039 Kanawha County	207619	210468	1.354	0.443
55	009 Brown County	194594	195417	0.421	0.-28
55	025 Dane County	367085	370065	0.805	0.441
55	059 Kenosha County	128181	128869	0.534	..392
55	073 Marathon County	115400	115646	0.213	0.514
55	079 Milwaukee County	959275	975296	1.643	0.59
55	087 Outagamie County	140510	141059	0.390	0.421
55	101 Racine County	175034	176209	0.667	0.366
55	105 Rock County	139510	140129	0.441	0.395
55	117 Sheboygan County	103877	104218	0.327	0.443
55	133 Waukesha County	304715	305387	0.220	0.361
55	139 Winnebago County	140320	140855	0.380	0.418

09	009075	New Haven town	130474	132416	1.467	0.844	135057	3.393	0.842
09	009120	Waterbury town	108961	109092	0.120	0.759	110722	1.591	0.534
11	0005	Washington city	606900	638747	4.986	0.517	628309	3.487	0.901
12	0645	Fort Lauderdale city	149377	153932	2.959	0.490	152687	2.168	0.660
12	0860	Hialeah city	188094	196416	4.283	0.935	197448	4.783	1.621
12	0915	Hollywood city	121697	125104	2.723	0.509	123443	1.431	0.369
12	1003	Jacksonville city (remainder)	635230	658739	3.569	0.662	649437	2.188	0.548
12	1370	Miami city	358548	376424	4.749	0.703	377379	4.990	1.527
12	1600	Orlando city	164693	170303	3.294	0.662	169260	2.698	0.700
12	1908	St. Petersburg city	238629	245561	2.823	0.472	242149	1.454	0.555
12	2070	Tallahassee city	124773	129647	3.759	0.526	127834	2.395	0.816
12	2075	Tampa city	280015	291356	3.893	0.649	287445	2.585	0.627
13	0150	Atlanta city	394017	415204	5.103	0.540	407923	3.609	0.912
13	0660	Columbus city (remainder)	178481	184860	3.343	0.505	182489	2.087	0.554
13	1725	Macon city	106612	110227	3.280	0.542	109027	2.215	0.586
13	2540	Savannah city	137560	142220	3.277	0.531	140538	2.119	0.560
15	0110	Honolulu CDP	365272	382505	4.505	0.803	372146	1.847	0.989
16	0090	Boise City city	125738	127612	1.469	0.702	128336	2.024	0.542
17	1051	Chicago city	2783726	2857364	2.577	0.582	2852041	2.395	0.769
17	4590	Peoria city	113504	116740	2.772	0.681	114753	1.089	0.416
17	4965	Rockford city	139426	143232	2.657	0.681	140598	0.834	0.422
17	5480	Springfield city	105227	107883	2.462	0.700	105921	0.655	0.456
18	0775	Evansville city	126272	129192	2.260	0.712	126950	0.534	0.475
18	0825	Fort Wayne city	173072	177949	2.761	0.690	174511	0.824	0.629
18	0905	Gary city	116646	122166	4.518	0.866	119611	2.479	0.719
18	1145	Indianapolis	731327	757483	0.835	0.612	741712	1.400	0.523
18	2375	South Bend city	105511	108564	2.812	0.681	106417	0.851	0.377
19	0670	Cedar Rapids city	108751	110887	1.926	0.648	109199	0.410	0.430
19	1130	Des Moines city	193187	197761	2.313	0.631	194978	0.919	0.506
20	1430	Kansas City city	149767	153306	2.309	0.483	151947	1.435	0.494
20	2194	Overland Park city	111790	112871	0.958	0.491	112485	0.618	0.480
20	2795	Topeka city	119883	123028	2.556	0.602	120748	0.716	0.434
20	3040	Wichita city	304011	308747	1.534	0.480	307807	1.233	0.518
21	1160	Lexington-Fayette	225366	233157	3.342	0.602	229930	1.985	0.705
21	1230	Louisville city	269063	279912	3.876	0.499	274816	2.094	0.616
22	0095	Baton Rouge city	219531	227504	3.505	0.479	226061	2.889	0.704
22	0956	New Orleans city	496938	514558	3.424	0.486	513936	3.307	0.876
22	1240	Shreveport city	198525	205361	3.329	0.482	203753	2.566	0.633
24	0025	Baltimore city	736014	772082	4.672	0.511	759127	3.065	0.808
25	013090	Springfield city	156983	158023	0.658	0.785	159597	1.638	0.850
25	017130	Lowell city	103439	103118	-0.311	0.770	105772	2.206	0.667
25	025005	Boston city	574283	579743	0.942	0.806	590703	2.780	0.784
25	027300	Worcester city	169759	169075	-0.405	0.753	171148	0.812	0.816
26	0080	Ann Arbor city	109592	112804	2.847	0.727	111442	1.660	0.522
26	0680	Detroit city	1027974	1064760	3.455	0.622	1056180	2.671	0.727
26	0920	Flint city	140761	144209	3.726	0.703	143923	2.197	0.584
26	1085	Grand Rapids city	189126	194874	2.950	0.666	191834	1.412	0.504
26	1485	Lansing city	127321	131473	3.158	0.684	129424	1.625	0.553
26	1565	Livonia city	100850	101462	0.603	0.527	100700	-0.149	0.364
26	2583	Sterling Heights city	117810	118625	0.687	0.514	117955	0.123	0.402
26	2790	Warren city	144864	145814	0.652	0.535	145018	0.106	0.394
27	2585	Minneapolis city	368383	374965	1.755	0.469	374537	1.643	0.605
27	3425	St. Paul city	272235	275845	1.309	0.485	275962	1.351	0.560
28	0615	Jackson city	196637	205662	4.388	0.515	202591	2.939	0.719
29	2125	Independence city	112301	113335	0.912	0.487	112970	0.592	0.493
29	2220	Kansas City city	435146	444859	2.183	0.472	441627	1.468	0.516
29	3875	St. Louis city	396685	408263	2.836	0.518	405175	2.096	0.682
29	4075	Springfield city	140494	143438	2.053	0.650	141640	0.669	0.501
31	1425	Lincoln city	191972	196234	2.172	0.660	193365	0.720	0.455
31	1825	Omaha city	335795	340507	1.384	0.476	339436	1.873	0.498
32	0065	Las Vegas city	258295	266308	3.009	0.562	266480	2.412	0.535
32	0090	Reno city	133850	136305	1.801	0.650	137829	2.887	0.670
34	1715	Elizabeth city	110002	111988	1.773	0.740	113626	3.189	1.244
34	2290	Jersey City city	228537	236712	3.454	0.681	236914	3.536	0.942
34	2895	Newark city	275221	285923	3.743	0.775	289965	5.085	1.113
34	3115	Paterson city	140891	146967	4.134	0.752	146885	4.068	1.332
35	0015	Albuquerque city	384736	397206	3.139	0.583	393462	2.218	0.680
36	0030	Albany city	101082	103456	2.295	0.692	103108	1.965	0.802
36	0450	Buffalo city	328123	333145	1.508	0.592	334286	1.844	0.726
36	2505	New York city	7322564	7552196	3.041	0.588	7567146	3.232	0.921
36	3100	Rochester city	231636	239832	3.417	0.720	237133	2.318	0.746
36	3565	Syracuse city	163860	167479	2.161	0.683	166653	1.676	0.769

36	4075	Yonkers city	188082	192435	2.262	0.664	190656	1.350	0.852
37	0480	Charlotte city	395934	412466	4.008	0.467	405932	2.463	0.635
37	0750	Durham city	136611	141713	3.600	0.536	139962	2.394	0.712
37	1065	Greensboro city	183521	189851	3.334	0.518	187128	1.928	0.646
37	2020	Raleigh city	207951	215573	3.536	0.520	213485	2.592	0.728
37	2785	Winston-Salem city	143485	148215	3.191	0.513	146388	1.983	0.619
39	0035	Akron city	223019	229527	2.835	0.683	226256	1.431	0.520
39	0865	Cincinnati city	364040	369165	1.388	0.631	372392	2.243	0.719
39	0900	Cleveland city	505616	512581	1.359	0.637	516598	2.126	0.650
39	0960	Columbus city	632910	639303	1.000	0.605	645256	1.913	0.630
39	1110	Dayton city	182044	188260	3.302	0.670	185861	2.054	0.624
39	4265	Toledo city	332943	335164	0.663	0.600	337317	1.297	0.497
40	1815	Oklahoma City city	444719	454958	2.251	0.516	454430	2.180	0.548
40	2465	Tulsa city	367302	375358	2.146	0.539	374856	2.015	0.597
41	0360	Eugene city	112669	114413	1.524	0.702	115726	2.641	0.685
41	0905	Portland city	437319	450413	2.907	0.538	445566	1.851	0.659
41	1005	Salem city	107786	109189	1.285	0.652	110240	2.227	0.546
42	0165	Allentown city	105090	105902	0.767	0.627	105216	0.120	0.831
42	3685	Erie city	108718	110075	1.233	0.662	109866	1.045	0.534
42	7180	Philadelphia city	1585577	1606249	1.287	0.609	1608942	1.452	0.742
42	7234	Pittsburgh city	369879	374002	1.102	0.583	373752	1.036	0.728
44	007065	Providence city	160728	161519	0.490	0.777	164304	2.176	0.829
46	1225	Sioux Falls city	100814	102712	1.848	0.658	101208	0.389	0.496
47	0245	Chattanooga city	152466	157807	3.385	0.528	153875	2.187	0.637
47	0760	Knoxville city	165121	170454	3.129	0.587	168582	2.053	0.698
47	0940	Memphis city	610337	640010	4.636	0.498	628329	2.864	0.709
47	1016	Nashville-Davidson (remainder)	488374	509302	4.109	0.519	499383	2.205	0.625
48	0015	Abilene city	106654	109869	2.926	0.515	108885	2.049	0.646
48	0100	Amarillo city	157615	162215	2.836	0.532	160530	1.816	0.577
48	0175	Arlington city	261721	272160	3.836	0.510	269098	2.742	0.608
48	0210	Austin city	465622	480242	3.044	0.501	483156	3.629	0.752
48	0520	Beaumont city	114323	118161	3.248	0.474	116654	1.998	0.500
48	0980	Corpus-Christi city	257453	264658	2.722	0.551	267127	3.622	0.788
48	1085	Dallas city	1006877	1057658	4.801	0.508	1043947	3.551	0.727
48	1340	El Paso city	515342	531606	3.059	0.637	538250	4.256	0.964
48	1500	Fort Worth city	447619	467853	4.325	0.490	461686	3.047	0.606
48	1580	Garland city	180650	185940	2.845	0.494	185336	2.528	0.539
48	1975	Houston city	1630553	1715633	4.959	0.542	1697301	3.933	0.777
48	2060	Irving city	155037	162091	4.352	0.530	160622	3.477	0.762
48	2400	Laredo city	122899	127296	3.454	0.793	126611	2.932	1.262
48	2565	Lubbock city	186206	192375	3.207	0.512	190661	2.336	0.688
48	2795	Mesquite city	101484	104448	2.838	0.503	103803	2.234	0.541
48	3200	Pasadena city	119343	123270	3.170	0.588	123539	3.380	0.721
48	3310	Plano city	128713	132377	2.768	0.519	131188	1.887	0.540
48	3745	San Antonio city	935933	964071	2.919	0.561	974099	3.918	0.857
48	4415	Waco city	103590	107015	3.201	0.476	106382	2.624	0.728
49	0870	Salt Lake City city	159936	162897	1.818	0.664	163014	1.888	0.721
51	0025	Alexandria city	111183	112748	1.388	0.541	114451	2.856	0.771
51	0242	Chesapeake city	151976	153512	1.001	0.356	155185	2.068	0.509
51	0590	Hampton city	133793	139284	3.942	0.459	137415	2.636	0.617
51	0860	Newport News city	170045	178053	4.498	0.468	175121	2.899	0.689
51	0875	Norfolk city	261229	273457	4.472	0.444	269011	2.893	0.733
51	0990	Portsmouth city	103907	108677	4.213	0.474	106837	2.742	0.695
51	1035	Richmond city	203056	209959	3.288	0.349	208987	2.838	0.817
51	1280	Virginia Beach city	393069	408213	3.710	0.487	402092	2.244	0.558
53	1140	Seattle city	516259	534576	3.427	0.506	528151	2.252	0.670
53	1220	Spokane city	177196	179308	1.178	0.711	179391	1.223	0.739
53	1280	Tacoma city	176664	180714	2.241	0.625	180831	2.304	0.622
55	1475	Madison city	191262	196296	2.565	0.734	193499	1.156	0.504
55	1665	Milwaukee city	628088	635933	1.234	0.601	642860	2.298	0.681

ORDER LIST

FRIDAY, OCTOBER 9, 1998

APPEAL-JURISDICTION NOTED

98-564 CLINTON, PRESIDENT, ET AL. V. GLAVIN, MATTHEW, ET AL.

The joint motion to expedite consideration of the jurisdictional statement and to set an expedited briefing schedule is granted. In this case, probable jurisdiction is noted. The brief of the Solicitor General is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, October 20, 1998. The briefs of appellees are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, November 4, 1998. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before Tuesday, November 17, 1998. Rule 29.2 does not apply. The case is consolidated for oral argument on Monday, November 30, 1998, with No. 98-404, *Department of Commerce* v. *United States House of Representatives*, and a total of one and one-half hours are allotted for oral argument.